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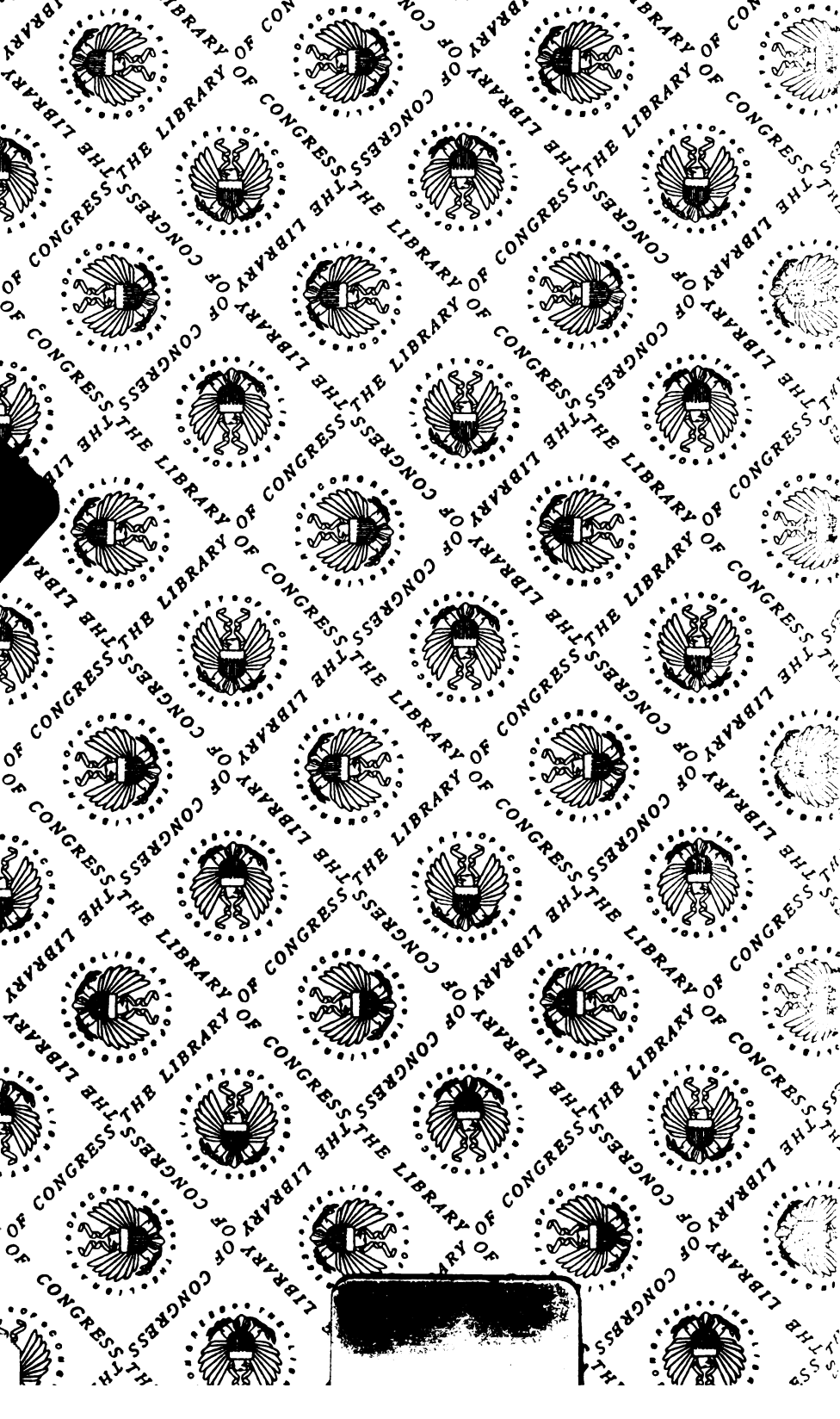
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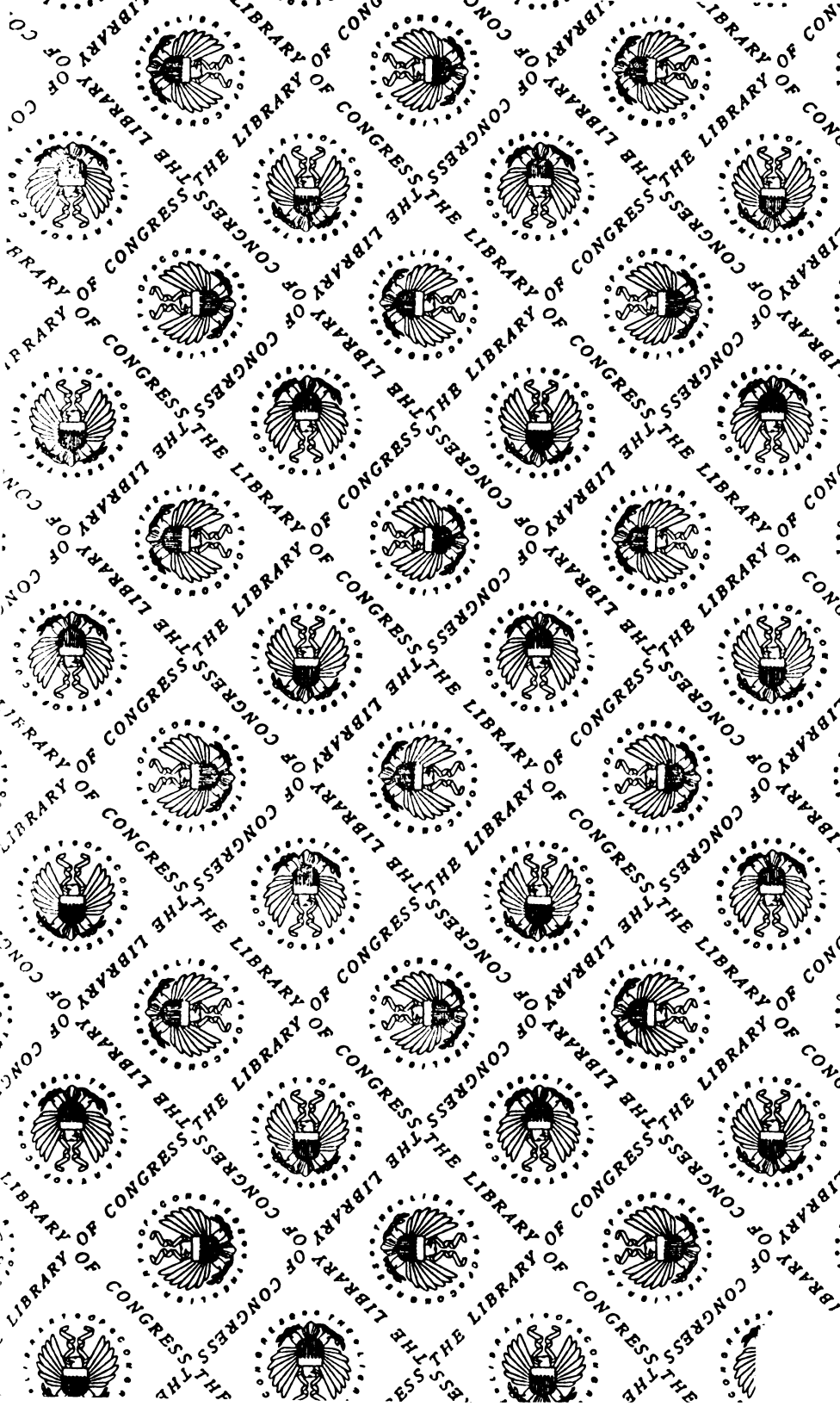
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LEGISLATIVE, ETC., APPROPRIATION BILL.

STATEMENTS

BEFORE THE

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SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS,

U.S. UNITED STATES SENATE,

CONSISTING OF

SENATORS CULLOM (CHAIRMAN), WARREN, WETMORE,
TELLER, AND DANIEL,

ON THE

BILL (H. R. 21574)

MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECU-
TIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT
FOR THE FISCAL YEAR ENDING JUNE 30, 1908,
AND FOR OTHER PURPOSES.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

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LEGISLATIVE, ETC., APPROPRIATION BILL.

SATURDAY, *December 29, 1906.*

The subcommittee met at 10:30 a. m.

Present: Senators Cullom (chairman), Warren, Teller, and Daniel.

Gen. John C. Black, president of the Civil Service Commission; Henry F. Greene, member of the Civil Service Commission; John T. Doyle, secretary of the Commission, and Alford W. Cooley, Assistant Attorney-General, former Civil Service Commissioner, appeared.

STATEMENT OF GENERAL JOHN C. BLACK, PRESIDENT OF THE CIVIL SERVICE COMMISSION.

The CHAIRMAN. (Senator Cullom). General Black, we can not hear any one very long this morning.

Commissioner BLACK. All right.

Senator CULLOM. We will hear you right away.

Commissioner BLACK. The best I know how.

Senator CULLOM. The items for the Civil Service Commission are found on pages 36 and 37 of the bill.

Commissioner BLACK. The Commission, Mr. Chairman, asks for the same appropriations precisely that were given it last year, with the following exceptions:

We ask for an increase of two clerks in the field of \$120 each. We ask for an increase of the salary of the district secretary at New York by the sum of \$200.

Senator CULLOM. An increase of salary?

Commissioner BLACK. An increase of salary to the secretary of the district of New York.

Senator CULLOM. On what ground do you ask it?

Commissioner BLACK. On the ground that he is at the most expensive place, possibly, in the United States, and that his salary, or the salary of the officer who was detailed to do the duty he has done before the new law went in force, was \$2,500. This increase will only raise it to \$2,400. We ask it because the service that is performed by him is abundantly worth the money, and perhaps that is very meager pay, and because the man absolutely needs it for living purposes.

Senator CULLOM. Still I expect he would rather be at New York than any other place and keep the salary he is receiving?

Commissioner BLACK. I do not know about that, Mr. Chairman, but those are the reasons which move us to ask for an increase in his salary.

The other appropriations that we ask may be increased are three new clerks, one at \$1,800, one at \$1,600, and one at \$1,400. That makes a total of \$4,800.

There are two reasons for asking this increase in the force. The first of them relates to the tremendous increase in the work of the office. The recent statute in regard to meat inspection and the pure-food law and a number of causes have greatly increased the number of men who have to be examined by the Commission.^a The result of it is that after we have examined more than 120,000 papers, we have on hand to-day, awaiting examination, the papers in more than 15,000 cases.

I know personally that the office, as it is at present officered and manned, is working faithfully, and to the extent of its capacity. We need trained men for the position. We need men who can enable us to successfully and fairly deal with the papers of these fifteen thousand unmarked and unrated applicants.

The public reason for it is shown by the record of the Commission. We are being called upon constantly by each and every one of the Departments to furnish them with eligibles by certification, and we have been obliged for a month and a half or two months to say to them that we are in arrears; that as soon as we can rate and grade the papers and complete the examinations we will be glad to give them the certifications, and glad to give the information that is called for with regard to the eligible registers and with regard to the individuals on the eligible registers. It is a great disturbance to us to be obliged to say that we are not doing the work up to date, and I have no doubt it is a great disturbance to you, gentlemen, and to your conferees, and to the gentlemen of the House, and I know it is to the Departments, but we can not help ourselves unless we have an increase, and we have asked for a very modest one.

Senator CULLOM. What is the lowest paid clerk that you have in your office?

Commissioner BLACK. Seven hundred and twenty dollars is the lowest class.

Senator CULLOM. If we give you any increase in force is it necessary that you should have these high-paid clerks?

Commissioner BLACK. It is very desirable; and the reason for that, Mr. Chairman and gentlemen of the committee, is that the work of the Government clerk is rather a rayless work. There is not a great deal of inducement except mere bread and butter, and a sense of honor. In our office especially we have but few high-salaried men. Although we supervise the work of men who get \$5,000, and all sums underneath that, the men who are doing this work, and who are looking over the papers, are themselves among the very low-paid employees of the Government. We should like to be able by this moderate increase to hold out to them the reasonable inducement of recognition for work well done.

But the primary thing, Mr. Chairman, is that we absolutely need these men to do this work.

Senator CULLOM. You mean the high-salaried men?

Commissioner BLACK. We mean the high-salaried men.

Senator CULLOM. You perceive the question is whether we should put low-paid men in at the bottom and let them work up.

Commissioner BLACK. Not unless you expect low-price work. I want to state that during the last year we have lost from our low-price

^a For example, the addition by Executive order of the deputy collectors of internal revenue and the increased demands of the Interstate Commerce Commission, etc.

men 25 per cent of those whom we have gathered and trained to do this work, and we have lost them for the reason that they were offered higher inducements, some of them in civil life outside of the Departments, some of them by promotions and appointments in the Departments themselves. We have made it a point never to interfere with a clerk's reasonable right to rise, and if there is a promotion offered him we let him go. But we have lost during the year about 25 per cent of our men, because the salaries were so low and other offices have offered greater amounts.

Senator CULLOM. How do you fill their places?

Commissioner BLACK. We fill the places by certification. We are forbidden to transfer. We were allowed to transfer until the appropriation act of about a year ago, I think. Since that time we have been obliged to take our own certifications and fill in at the bottom. We are not allowed to certify to the high places, and do not do it. We certify to the low places and let the men work up as the record shows they should.

Senator WARREN. I see that this bill carries wording which permits you in an emergency to transfer or detail.

Commissioner BLACK. That is a change we suggested, and we propose to do it if we are able to get them.

Senator WARREN. Then you did not have this privilege under the existing law?

Commissioner BLACK. We did not have that right under the existing statute.

Mr. COOLEY. That is in the existing statute. It was carried over from the act of last year.

Senator WARREN. I wanted to know whether it introduced a new privilege.

Mr. COOLEY. It is in the act of last year. I can explain it in a moment.

Senator CULLOM. Let us hear General Black's statement first.

Commissioner BLACK. The last item to which I want to call your attention (unless the committee should wish to hear from me something about any particular increases asked for) is an increase in the salaries of the Commissioners themselves of a thousand dollars each.

Senator CULLOM. How many Commissioners are there?

Commissioner BLACK. There are three of us, and we are worth the money, Mr. Chairman.

Senator CULLOM. There is no doubt about that.

Commissioner BLACK. We are worth the money. I think that covers it all. The expenses of living have increased here so greatly, independent of any special festivities, Mr. Chairman, that it is hardly possible for a man who occupies the position that the law gives him, of adviser to the President, to live on \$3,500 a year. It is hardly a practical thing to do. All you gentlemen know so well what the social situations are here and what the requirements are, and the extent and nature of our duties, that I do not like to argue it in my own behalf. I am going to leave that to you. I will only say that every reason I have ever been able to think of in connection with this, when the Government is great and prosperous and with an overflowing and overwhelmed Treasury, speaks in favor of this very modest increase, and it would be a very grateful thing to us.

Senator CULLOM. Were you before the House committee?

Commissioner BLACK. We were before the House committee. They said that under their rules a point of order would take it out, and I say very frankly to you further that it was debated in the House committee in our presence as to what we ought to do, whether we ought to ask for this increase on the appropriation bill or whether we ought to go direct to the chairman of the Committee on Civil Service Reform, Mr. Gillett, and ask him to introduce a bill for the purpose of fighting it out on the floor of the House. But I have had enough of fighting, and prefer to leave the matter in your hands, trusting that you will have it take the usual course in making an amendment to the bill. Besides, as you know, this is a short session, and it would be altogether improbable that action could be taken upon a bill of that kind even if it were presented.

Senator CULLOM. Do any of the other gentlemen present desire to be heard on this same subject?

Commissioner GREENE. I do not care to be heard, Senator. I think General Black has said everything I could say.

STATEMENT OF ALFORD W. COOLEY, ASSISTANT ATTORNEY-GENERAL, EX-CIVIL SERVICE COMMISSIONER.

Mr. COOLEY. Mr. Chairman, if I may say just a word, I prepared those estimates and am familiar with the reasons for the increases we asked. To take up, first of all, the two clerks at \$720 each, we asked for an increase to \$840, because it is really out of the question to keep anyone in the service for any length of time at that small salary. We appoint a man or a woman and lose the person within a few months. They are both field employees, and it is a great nuisance to train up people and then lose them.

As far as the man in New York is concerned, that goes back a little way. We had some difficulty in persuading Mr. Saxton to come to us. He seemed to be the most available man for that very important position in New York. I stated to him at the time he came that the salary was less than his predecessor had been receiving, but that I would make an effort to have it increased \$200. The estimate is the result of that agreement.

As far as the three additional places are concerned, I have not been over the estimates for a month or so, but my impression is that we asked for a \$1,800, a \$1,600, and a \$1,400 place. During the last fiscal year there has been about a 25 per cent change in the office of the Civil Service Commission. It is almost impossible to maintain the work on a high standard where the changes are as frequent as that, and it is impossible to hold the clerks, who get a better salary outside the service, and leave. It is highly desirable that there should be a few more high-grade places held out as an incentive to good work in the lower positions.

As far as the salary of the Commissioners is concerned, I submitted that estimate at a time when I knew I was going to leave the Commission, and I felt absolutely justified in it. In view of the importance of the work the Civil Service Commissioners are doing, \$3,500 a year is absolutely inadequate. If you will compare that salary with that of the chief of practically any one of the important bureaus you will find that it is considerably less. Those salaries range from \$4,500 to

\$6,000, and it seems to me to be only reasonable and fair that the Civil Service Commissioners should be put on a par with the lowest-paid bureau chief.

I might add that this salary was given by the statute twenty-three years ago, when the work of the Commission was less than one-tenth what it is now and when the cost of living was very materially less. That is all I care to say.

Senator CULLOM. That remark applies to nearly everyone.

STATEMENT OF HON. ELIHU ROOT, SECRETARY OF STATE.

Senator CULLOM. Mr. Secretary, we will hear what you have to say, without any interruption on our part, until you get through. The Secretary usually sends a subordinate. We are delighted to have the chief here this morning.

Secretary ROOT. As you know, there are a good many things that the subordinates know better than the Secretary—matters of detail. There are a few matters of substance here that I should like to say a word or two about.

Senator CULLOM. We shall be glad to hear you.

Secretary ROOT. One is about the salary of bureau chiefs.

Senator WARREN. That item is at line 9, page 38.

Secretary ROOT. "Eight chiefs of bureaus, at \$2,100 each."

Senator CULLOM. That is what they are getting now?

Secretary ROOT. Yes; that is what they are getting now. The two annual estimates put in since I went into the State Department have asked for \$2,500 each for those chiefs. I believe that that had been done for a long period before. It had become one of those inveterate requests to which Congress turns a continuously deaf ear, on the ground which was suggested by you to Mr. Cooley a few minutes ago, that the same observation applies to every one.

I should like to vary the request a little now, and while I think that all the eight chiefs of bureaus ought to have higher salaries, despairing of getting them all increased, I should like to ask you to consider the fact that a part of the bureaus are more important and demand greater experience and probably a higher order of ability than the others. The chiefs of what is called the Consular Bureau and what is called the Diplomatic Bureau have, I think, more important duties than the chiefs of the other bureaus. They really have to be men of very great experience and ability.

Senator CULLOM. Can you indicate just the line in the bill where you want to have this promotion made?

Secretary ROOT. I think the salaries of those two certainly should be increased.

Senator WARREN. Out of eight there are at least two—that is, the chiefs of the Consular and the Diplomatic bureaus, whose salaries you desire to have increased?

Secretary ROOT. Those men have to know the whole business, and they have to be able to do very important work on merely general indication of policy.

Senator WARREN. As I understand you, while you want men in all these places who are worth the money, you feel that some of them are more important in the amount of work or the kind of work?

Secretary ROOT. Yes; in the kind of work.

Senator WARREN. So, if we do not raise all of them, you want a part of them raised?

Secretary ROOT. Yes, sir.

Senator CULLOM. We understand that item, and we will consider it.

Secretary ROOT. Then there is the Bureau of Rolls and Index, on which a good deal of responsibility and effort is thrown now by the attempted introduction of the new system of preserving and indexing and arranging the documents.

Senator CULLOM. Bringing up the records?

Secretary ROOT. Yes; following the War Department system.

Senator CULLOM. That is, the card system?

Secretary ROOT. Yes; the card system. You will remember what confusion the records of the War Department were in, particularly in the Record and Pension Office, before General Ainsworth took hold of the matter.

Senator CULLOM. I remember it very well.

Secretary ROOT. You could not get information for weeks or months from them.

Senator CULLOM. And now you get it on the same day?

Secretary ROOT. You get it on the same day. The Record and Pension Office is not expected to let the sun go down on unanswered correspondence. I am trying to apply to the complicated and constantly increasing mass of correspondence and documents of the State Department, the same system which General Ainsworth applied so successfully. The House has allowed us fourteen additional clerks for that purpose in this bill. I hope you will confirm that. I think the chief of that division, a new chief, who has been selected for his evidence of adaptability to that work, ought to have a little higher salary.

Senator CULLOM. He was a clerk in the office?

Secretary ROOT. He was assistant chief clerk. He has been over to the War Department and has taken a course of instruction and experience with General Ainsworth.

Senator CULLOM. You have trained him for that business?

Secretary ROOT. Yes; and we have one of General Ainsworth's best men in the State Department. He has been good enough to send him over. We are trying to get matters in shape.

Senator CULLOM. It would startle Congress somewhat if we should get an answer from the Department on the same day.

Secretary ROOT. We will try to do it.

Senator WARREN. It can be done; other Departments have done it.

Secretary ROOT. Every Department comes along in the course of time to a point where its growing business requires better organization. The State Department had been running a great many years with an amount of business which it could get on with very well in the old simple way. The business has grown too big for that, and we have got to have organization, and we are trying to put in better methods.

Senator WARREN. Instead of six clerks at \$2,000 which you estimated for, the House has given you two at \$1,800 and four at \$1,600. You can get along with that?

Secretary ROOT. We will have to. Of course the result will be that some men will get smaller salaries.

Senator WARREN. These being additional, you would take them from some point below, I assume?

Senator CULLOM. There are two clerks of class 4, four clerks of class 3, and two clerks of class 2.

Senator WARREN. The House have given the same number of class 3 and class 4, but simply two at \$1,800 and four at \$1,600. That means two or three bites at this cherry.

Secretary ROOT. Let me go back to these bureau chiefs. They are all eight getting \$2,100. I think they all ought to have more. I think it is wholly unjust and unwise to try to keep men like Mr. Smith at the head of the Diplomatic Bureau and Mr. Carr at the head of the Consular Bureau at \$2,100.

Senator WARREN. If you had \$2,500 for those two and \$2,250 for the others you could probably get along?

Secretary ROOT. Yes, I could get along very well.

Senator CULLOM. Is there anything further that you wish to suggest, Mr. Secretary?

Secretary ROOT. There is this to be said about the clerk to the Secretary of State, who is down at \$2,250. It is at line 14 on page 38 of the bill. Last year I asked for \$2,500 for the bureau chiefs and \$2,250 for the clerk to the Secretary of State, and Congress withheld the increase for bureau chiefs and gave the increase for the clerk. I think that rather accentuates the injustice to the bureau chiefs. The clerk to the Secretary of State ought not to get more than they receive.

Senator CULLOM. We are trying to equalize the clerks to Secretaries, and to get them all on the same rate of pay so as to stop the bickering among the different clerks.

Secretary ROOT. That is very wise.

Senator CULLOM. We tried to stop that as well as we could. I can see that the other clerks think that they do more and have more responsibility than the clerk to the Secretary.

Secretary ROOT. Well, it can not help having a very bad effect upon the mind of men like these bureau chiefs who are doing more work, and a higher class of work, than a mere clerk whom they see getting more money. These things are comparative and I think the effect upon the Department can not help being bad.

Senator CULLOM. You would not feel like striking down the salary of the clerk?

Secretary ROOT. I would rather strike it down.

Senator WARREN. If we put the others at \$2,250 he would have the same, but if we do not you would like to have his salary reduced?

Secretary ROOT. Yes; if you do not put up the salary of the bureau chiefs I want that young man's salary cut down, because I do not want to have them feel that a man, who, perhaps, may be regarded as a favorite of mine, because he is working specially for me, is getting more money for less work and less important work than they are doing. I would rather not have that feeling in the Department.

Senator CULLOM. If we do not raise the salary of these bureau chiefs you would rather have the salary of the clerk reduced?

Secretary ROOT. Yes, sir.

Senator WARREN. On page 39, second paragraph, lines 4 and 5, in the item for books and maps and periodicals, the estimate was for \$2,000. You had \$2,000 last year, and this year the House has made it \$1,500, probably with the intention of removing some portion of the library to the Public Library under the general plan of having the miscellaneous books of the libraries consolidated and confining the

Department libraries to scientific and technical books. The House has cut down the item with that understanding. The question is whether you want to have it raised or not?

Secretary ROOT. I think it ought to be raised; \$2,000 is as small a sum as we can reasonably get on with.

Senator CULLOM. What do you think about your library?

Secretary ROOT. We must have our library there.

Senator CULLOM. You do not want to have it taken out?

Secretary ROOT. Certainly not. For practical purposes you might as well take out the books and burn them up.

Senator CULLOM. They would be of no account anywhere else?

Secretary ROOT. No. The Congressional Library answers just the same purpose as having these books put in the Public Library.

Senator CULLOM. I do not think that is going to be done. As far as we are concerned I am sure it is not, unless we are forced to consent to it.

Secretary ROOT. As you know, in the State Department the library takes a pretty wide range. It is really a tool of the trade. It is all specific, for there is hardly any subject you can mention that does not come up to be dealt with practically by the State Department, because almost everything runs into some kind of international relations, and the library there is a working library.

Senator CULLOM. I think the reduction was made on the supposition that this consolidation was going to take place.

Secretary ROOT. I would be very much obliged to you if you would put back the item to \$2,000.

Senator WARREN. Is the item for rent of the War College building as you want it?

Secretary ROOT. Yes. I am beginning to have a little doubt as to whether we can get the building. I do not know whether you would feel like making it a little broader, as so to say "for rent of building known as the War College or other equivalent building."

Senator CULLOM. That would be the construction of a new building?

Secretary ROOT. No; for the rent of some other building if we do not rent that one.

Senator WARREN. This item specifically states the War College building and you could not rent any other?

Secretary ROOT. We understood that the War College was going out, but I am beginning to be a little afraid they may hang along.

Senator WARREN. You would like to have the item so worded that for \$3,000 you could rent the War College building, or, failing to obtain that, you could rent some other quarters?

Secretary ROOT. Yes.

Senator CULLOM. We will bear that in mind and see what can be done about it.

Secretary ROOT. There is another subject I should like to say a few words about. In the legislative, executive, and judicial appropriation act for the year ending June 30, 1907, on page 15, you included a provision at the foot of page 15 in these words:

Provided, That hereafter there shall not be employed in the Department of State, or in connection with said Department, in the District of Columbia, any personal services other than those which shall be specifically authorized or appropriated for.

Senator CULLOM. That provision is not in this bill?

Secretary ROOT. No, it is not; but it is a permanent provision "That hereafter," which was included in the legislative, executive, and judicial appropriation act for the year 1907. I entirely agree with the purpose for which that clause was included in the act. Indeed, it was the result of a statement that I made to the committee as to the condition of affairs in the State Department in regard to the employment of personal services out of the emergency fund. There had grown up a practice of supplementing the insufficient force of clerks (the force that became insufficient through the growth of business), by employing clerks and paying them out of the emergency fund; and I found an emergency roll very much like that which we had in the War Department during the war with Spain.

I came to the Appropriations Committee and said I thought it ought to be stopped, that it was not a proper use of the emergency fund to have a permanent emergency roll, and I asked them to put into the regular appropriation bill the necessary force and said we would stand on that. They did it, and in order to prevent a similar practice in the future they put in this clause. Now, it goes a little farther than to cure the evil it was intended for. It not only prevents the regular employment of clerks out of an emergency roll but it prevents employment in a real emergency.

Senator CULLOM. At any time?

Secretary ROOT. In a real emergency. For instance, a week or two ago the chief clerk came to me with a big bundle of manuscript and he said a gentleman in Congress, a lawyer, had just asked for an immediate copy of all these documents for use in a litigation somewhere abroad, I think, and he said, "I can not do it; I have not the clerks to make this copy. They are all busy every minute of their time, and I would have to stop the regular business of the Department. It would probably take three men a week to make the copy. What shall I do?" Under the law we are obliged to make the copy and to charge 10 cents a folio for the copy and to turn the money into the Treasury. Under this clause we could not send out for a couple of typewriters to make those copies, even though the person wanting the copies was going to pay the expense. The only thing I could do was to write to this gentleman and say that we would make the copies as rapidly as the general work of the Department permitted, and he would have to wait.

Senator WARREN. Let me ask you, suppose you needed to have a translator in some language brought in, would you be barred from doing that?

Secretary ROOT. I would be absolutely barred from it.

Senator WARREN. It reads, "shall not be employed in or connected with the Department."

Secretary ROOT. Every once in a while there comes up some little thing which would be a real emergency where it would be a very great advantage to employ some particular person to do a particular thing.

Senator WARREN. I wonder if we could not put something in place of that which would guard in one way and permit in another.

Senator CULLOM. I was going to ask the Secretary whether he could suggest anything that would cover the case and at the same time protect the country from being overwhelmed by the appointment of emergency clerks which would be permanent. Have you any suggestion to make?

Secretary ROOT. I was going to suggest to repeat the clause with this addition:

Except upon a certificate of urgency, signed by the Secretary of State and transmitted to Congress with the annual estimates of the Department of State at the beginning of the next session after the expenses occur:

Senator WARREN. That would be in the nature of a report of the proceeding.

Secretary ROOT. Yes; I should think that would cure it.

Senator CULLOM. It seems to me that that would be safe.

Secretary ROOT. Here is another suggestion: That there be put into the statute an appropriation "for temporary typewriters and stenographers, to be selected by the Secretary, \$2,000." That item used to be in, but it was stricken out, I believe.

Senator CULLOM. It is out of the law now.

Senator WARREN. Of course if we introduce this clause the present law could stand as it is.

Senator CULLOM. How much do you use in a year, ordinarily?

Secretary ROOT. Oh, I do not know, but not very much. When that clause was in the law they had two typewriters who were employed regularly. They were temporary in the sense of not being eternal, but they were continual year after year.

Senator WARREN. Of course an estimate is a guess. What would be your guess as to the amount which would be sufficient to last you through a year if we should adopt this clause?

Secretary ROOT. I should think a couple thousand dollars would do it. The real trouble is, however, that there does occasionally come up an urgent occasion to employ somebody outside, it may be a lawyer, it may be a typewriter, it may be a messenger, to do a particular thing, and a thing which would properly be paid out of the emergency fund, which is the kind of thing that is appropriated for. But this clause excludes us from doing it.

Senator WARREN. Even then you can get the pay for it, of course?

Secretary ROOT. Yes; I will give an illustration of it here. I called on the secretary of the old Joint High Commission of 1898 for a lot of information about the condition in which various questions with Canada were left by that Commission. He is a lawyer practicing in New York and very familiar with all the subjects and can do what I can not do in getting up the material and presenting the condition in which those various negotiations were left. I could not employ him to do any work in the District of Columbia. I had to get a special appropriation, which enabled me to pay for that particular work.

Senator CULLOM. I remember the case.

Secretary ROOT. That is an illustration of the kind of thing that is apt to come up. I should like in some way to have the bar that this clause puts upon a proper use of the emergency fund that you give me relieved. I do not think the provision for temporary typewriter and stenographer is quite broad enough. It seemed to me that if the door were opened far enough so that the Secretary of State would not be prohibited from using the fund that you give us regularly for emergency purposes for services in the District, provided he makes a certificate of urgency as to each case and sends it to Congress with his next estimate, so that you would know exactly what is being done, there would not be any serious chance of abuse.

Senator TELLER. I do not see how you could very well use any emergency fund at all with this clause in the law.

Secretary ROOT. No; it is a serious obstacle to a proper use of the emergency fund. It was intended to prevent an improper use of the emergency fund, and it was put in, Senator Teller, as I was just explaining before you came in, as the result of my application to Congress.

Senator CULLOM. At your own suggestion?

Secretary ROOT. At my own suggestion, in order to stop a practice that I stated was a practice that ought to be stopped. But it goes a little further than it was intended to go.

Senator TELLER. Do you think a couple thousand dollars would be ample for that purpose?

Senator WARREN. The Secretary is not asking for any specific amount.

Secretary ROOT. I do not ask for a further appropriation. I ask to be able to use the emergency fund which you give me regularly for emergencies requiring service in the District of Columbia, provided that as to every item of service of that kind I give a special certificate and send it to Congress with the estimates for the next year.

Senator CULLOM. Showing the expenditure?

Secretary ROOT. Yes.

Senator CULLOM. It seems to me that that makes it very safe.

Senator TELLER. Yes, I should think so.

Senator CULLOM. Is there anything else, Mr. Secretary?

Secretary ROOT. I think that is all, sir.

Senator CULLOM. Mr. Secretary, we were very glad to hear you. We will take up your suggestions and do the best we can with them.

Secretary ROOT. I am very much obliged to you.

**STATEMENT OF LAWRENCE O. MURRAY, ASSISTANT SECRETARY
OF THE DEPARTMENT OF COMMERCE AND LABOR.**

Mr. MURRAY. Mr. Chairman, I appear this morning instead of Mr. Secretary Straus, in view of the fact that I prepared the estimates with Mr. Secretary Metcalf, who has gone to the Navy Department, and the new Secretary asked me to come up in his stead.

We adopted the plan this year of asking the heads of the different bureaus to go before the House committee, and I do not want to go over the ground again which they went over; but there are two or three items that I do want to ask you to consider.

Senator CULLOM. Point out the particular clause in the bill, if you can.

Mr. MURRAY. The first one is an increase of \$250 for our chief of division of printing. He gets \$2,000. Our printing amounts to about half a million dollars annually, and I think we have as efficient a bureau of printing as there is in the Government. We were able to save out of our allotment last year about \$140,000. We will make a big saving also this year.

Senator CULLOM. How do you happen to have so much printing done by your Department?

Mr. MURRAY. We have all the census work, and we have 12 other very large bureaus. We have the second largest printing bill in the Government. The Department of Agriculture has a little more. Tw-

hundred and fifty dollars seems to be a very moderate increase, and this is the only chief of division we ask to have increased this year.

During the last year, as you know, the naturalization act went into operation, and we had but ninety days in which to prepare all the blanks for that service as the law directed us to prepare them. The printing division worked from the 1st of July until fall, day and night until about midnight, and sent out something over 20 tons of blanks to all the clerks of the courts authorized to naturalize aliens. It is a splendid division, splendidly organized, and the head of it is a splendid officer. I think he ought to have \$2,250 as chief of that division, considering the amount of business that goes through it.

The next is the Supervising Inspector-General of the Steamboat-Inspection Service. He gets now \$3,500. That is the lowest salary paid the chief of any bureau of the twelve in our Department. That service is more efficient to-day than it has ever been.

We have asked you to make the salary of the chief of that bureau \$4,500. That equals the salary given some of the chiefs of our bureaus, and is a little higher than others.

Senator CULLOM. It is a raise of \$1,000?

Mr. MURRAY. It is a raise of \$1,000. I earnestly desire that it shall be made at least \$4,000. Our Commissioner of Navigation gets \$4,000; the chief of the Bureau of Statistics gets \$4,000; and the Commissioner of Immigration gets \$5,000. The salaries range along like that, but this chief of bureau gets the lowest of all. I do not find in the Government service any officer charged with the same responsibilities who gets as low a salary as that.

That service, as you know, is charged with making safe the travel of about six hundred million passengers a year. The service is efficient now, and the man at the head of it is a hard-working, pains-taking man. I think the increase of \$500 that I suggest is very richly deserved.

Coming back to the office of the Secretary, I want to recommend a decrease, which is an unpleasant thing to do, but I think a salary that is too low ought to be raised, just as I think one that is too high ought to be lowered. The item is on page 143. We have a captain of the watch. When that office was established we intended that the captain of the watch should have supervision of all our watchmen in our different bureaus. We have six or seven buildings, scattered all around town. Congress made that salary \$1,200, but it has not been possible that the captain of the watch should have very much supervision over the other bureaus, and I think \$1,200 is more than the position ought to carry.

Senator WARREN. You do not want to make him a watchman, but you want to make the salary \$1,000?

Mr. MURRAY. I want to leave it just as it is, to call him by the same title, but to give him \$1,000 instead of \$1,200. He is a first-class man, a soldier of the Philippines, and all of that, but as salaries go, and as equalizations ought to be down as well as up, I think \$1,000 is a sufficient salary for the place.

Senator CULLOM. Well, go on to the next item.

Mr. MURRAY. The next is the chief clerk of the Census Office.

Senator CULLOM. Mr. Rossiter.

Mr. MURRAY. Mr. Rossiter. As you know, there is no assistant director, and the chief clerk there is charged with acting as Director in the Director's absence. He is very much more than an ordinary chief clerk. He is an executive officer, and a part of the time he has been and is Acting Director, owing to the absence of the Director in Germany as a member of a commission appointed by the President. In addition to his duties as chief clerk and Acting Director in the absence of the Director, he is charged with the supervision of all their printing, which amounts to about \$140,000 a year. He is a practical printer as well as an excellent executive officer.

In addition to its other duties, Congress has placed on the Census Bureau the duty of preparing the Blue Book, so called, which formerly was prepared by the Secretary of the Interior. The chief clerk now gets \$2,500. I have sent a letter to the committee, asking an increase for him.

Senator CULLOM. We have your letter.

Mr. MURRAY. The letter is based on the recommendation of the Director of the Census that the salary of the chief clerk be made \$3,500. If the committee thinks that is too much of a raise I would earnestly ask that it be made at least \$3,000. He is a very competent, hard-working man. I know his ability, because, under the Executive order of the President directing that each Department should have a printing committee, he served with me as the printing committee of our Department. He is saving the Government a great deal of money. The former Director of the Census stated that his work saved the Government nearly a quarter of a million dollars in better business methods during the Twelfth Census.

The last office that I desire to say a word for is the office of Solicitor of our own Department. There is no assistant solicitor.

Senator CULLOM. I was going to ask you who is the assistant solicitor. I had forgotten whether any appointment had been made.

Mr. MURRAY. Our former solicitor, as you know, Senator, was Mr. Sims, of Chicago, now United States attorney there. Mr. Charles Earl has been appointed as his successor. It is in behalf of the chief clerk that I speak; not of the solicitor. The chief clerk gets \$2,250. He has recently been offered a larger salary than that, but he prefers to stay where he is.

Senator CULLOM. Did the offer come from some other Department or from outside?

Mr. MURRAY. From our own Department.

Senator CULLOM. I very seldom hear of anyone being offered outside among business people more than he gets inside.

Mr. MURRAY. I do not suppose that they do usually, but I know a good many cases of it. He is Acting Solicitor a good deal of the time. For instance, from last June until September he was our Acting Solicitor, and we have a great many important questions coming up from day to day.

Senator CULLOM. He is now getting \$2,250.

Mr. MURRAY. Twenty-two hundred and fifty dollars. It seems to me that it would be wise to change his title to Assistant Solicitor, who shall act as chief clerk, and to make his pay at least \$3,000.

Senator CULLOM. Would it not be better to let his title remain as

chief clerk and to provide that under certain circumstances he shall act as Assistant Solicitor?

Mr. MURRAY. It seems to me that a man who is capable of rendering opinions on all important questions which go to that office ought to have a title other than that of chief clerk. I beg to suggest that it be changed around and that he be made Assistant Solicitor, who shall act as chief clerk, and combine the two offices rather than make him a chief clerk who shall act as solicitor. But, however, I leave that with the committee.

There are some other requests which I wished to make, but as to those I will let them go and simply refer you to the hearings before the House committee. However, these four cases seemed to me to be so exceptional that I wanted to be heard. The men themselves did not care to speak in their own behalf.

Senator CULLOM. Repeat the four cases.

Mr. MURRAY. The chief of our printing division, who now gets only \$2,000. We ask \$2,250 for him.

The other is General Uhler, the Supervising Inspector-General of the Steamboat-Inspection Service, who gets only \$3,500.

Senator CULLOM. You want him to have \$4,000.

Mr. MURRAY. I want him to have \$4,000 at least, and that will put him on an even keel with the chiefs of all the other large bureaus of the Government. He gets the lowest salary of any man charged with the responsibilities of such an office in all the Government—not in our Department alone, but in all the Government.

Senator CULLOM. That makes two.

Mr. MURRAY. That makes two. The third is Mr. Rossiter, chief clerk of the Bureau of the Census, now the Acting Director. The fourth is our own office of the Solicitor.

Senator CULLOM. We will consider all those suggestions, Mr. Murray.

Mr. MURRAY. I thank you, Senator, very much indeed.

STATEMENT OF REAR-ADMIRAL ASA WALKER, SUPERINTENDENT OF THE NAVAL OBSERVATORY.

Senator CULLOM. Admiral, have you a copy of the bill before you?

Rear-Admiral WALKER. I have not, sir.

Senator CULLOM. You will be furnished with a copy. The items for the Naval Observatory are on page 99. We will hear what you have to say. I suppose you are going to talk about the Naval Observatory.

Rear-Admiral WALKER. There are some few points I should like to call the attention of the committee to, if you please. The main point is with reference to the appropriation for a new building to house the alt-azimuth instrument. Some dozen years ago an appropriation was made to purchase the instrument, and an appropriation was made for building a house. The instrument was bought and with the surplus a small house, 10 feet in diameter, was built.

Senator WARREN. You will observe that the House has already inserted that item. Do you desire to have it changed or do you support the House appropriation?

Rear-Admiral WALKER. I wish to state to the committee the reason for it.

Senator WARREN. You support what the House has done?

Rear-Admiral WALKER. Yes, sir.

Senator WARREN. We can get that in the hearings.

Senator CULLOM. You were before the House committee?

Rear-Admiral WALKER. Yes, sir.

Senator WARREN. We have that all right.

Senator CULLOM. Is there anything in the bill to which you desire to call our attention?

Rear-Admiral WALKER. Then there is the appropriation known as fuel, oil, etc.

Senator CULLOM. That is in the bill?

Rear-Admiral WALKER. Yes, sir; it is in the bill beginning on line 14, page 100.

Senator CULLOM. The House has given you \$7,500.

Rear-Admiral WALKER. That has been the regular appropriation for the last fifteen years.

Senator CULLOM. Are you content with it?

Rear-Admiral WALKER. No, sir; I would like to have it increased.

Senator WARREN. You want it made \$8,000?

Rear-Admiral WALKER. \$8,000, sir. Coal has gone up \$1.43 a ton since 1897, and we burn a great deal of coal. That makes a very large hole in our appropriation.

Senator DANIEL. It has gone up from what figure?

Rear-Admiral WALKER. It is \$6.18 now. It was \$4.75 then.

Senator CULLOM. Is \$8,000 all you want for that item?

Rear-Admiral WALKER. It is not as much as I should like to have, but that is all the Secretary approved.

Senator WARREN. That is all of the estimate.

Senator CULLOM. All right. Go to the next item.

Rear-Admiral WALKER. With reference to the names of the assistants now appropriated for as computers, the change is made in the bill to assistants. I should like to have that stand if the committee see fit.

Senator WARREN. You would like to have it stand as the House passed it?

Rear-Admiral WALKER. Yes, sir.

Senator CULLOM. Very well. What next?

Rear-Admiral WALKER. I believe that is all I have to say to the committee. I thank you very much for your kindness.

Senator CULLOM. We are very much obliged to you. We will look over the items and try to do the best we can for you. You have not asked for very much.

STATEMENT OF BRIG. GEN. CULVER C. SNIFFEN, PAYMASTER-GENERAL UNITED STATES ARMY.

Senator CULLOM. We will hear what you have to say, General.

General SNIFFEN. The House gave us an increase of 1 clerk of class 4, 1 clerk of class 3, 1 clerk of class 2, and a messenger. We never had a messenger before. We always had an assistant messenger. The

estimate was for 1 chief clerk, 8 clerks of class 4, 8 of class 3, 12 of class 2, and no other changes from the present force.

Senator CULLOM. The House gave you 6 clerks of class 4, 6 clerks of class 3, and 11 clerks of class 2?

General SNIFFEN. Mr. Chairman, as it stands here in the bill, that is simply an increase of 3 clerks and 1 messenger over the present force. I should like to give you the reasons why I want the full number which was estimated for and approved by the Secretary of War.

Senator WARREN. You want to have an increase of 6 altogether?

General SNIFFEN. I want to have an increase of 8 altogether. The House has given us 3 and I want to have 5.

Senator WARREN. Five in addition?

General SNIFFEN. Yes, sir; and if you will allow me a few minutes I will state the reason why we need this increased force.

Senator CULLOM. All right; go ahead.

General SNIFFEN. Prior to the Spanish-American war 20 clerks in the Paymaster-General's Office did the required work for about 27,000 officers and men. Deposits from savings of enlisted men were but a little over half a million annually, and the expert examination of paymasters' accounts was comparatively limited.

At the present time, with an Army almost three times as large, but 45 clerks on the civil list and 5 borrowed paymasters' clerks are allowed. The deposits of enlisted men are now a million and a half, a threefold increase in amount and a corresponding increase of clerical work. The law requires that our examiners must analyze the monthly accounts of 67 disbursing officers in this department; see to it that all disbursements are made in accordance with law, regulations, and Comptroller's decisions, and that within sixty days from receipt these monthly accounts are in the hands of the Auditor for the War Department.

As a consequence of the Pay Department becoming more and more a debt-collecting agency for the Quartermaster's Subsistence and Ordnance departments, and post exchanges, as well as for itself, army paymasters' collections made on account of the Government and deposited in the Treasury to the credit of staff departments or to appropriations have swollen to \$800,000 annually.

Since the Spanish-American war an allotment system for enlisted men has been authorized by law. This is entirely new, as you know. Over \$400,000 in small sums are collected annually from soldiers on foreign and home service. These small sums are distributed monthly from this city to over 3,000 soldiers' dependents, residing in all parts of the United States. Great care and accuracy in bookkeeping and an extensive correspondence are necessary to insure a proper and prompt monthly disbursement of this trust fund to the 3,000 soldiers' dependent and needy relatives.

We need this increase of 8 clerks—that is, an increase of 5 over what the House allowed us—because the work demanded of the Office is out of all proportion to the present force; because it is necessary in order to replace as far as possible 11 of the 16 paymasters' clerks Congress saw fit to cut off from detail to this Office; because by a more prompt and exhaustive examination and analysis of the thirty odd millions annually disbursed by the Pay Department of the Army, the Government will

be better safeguarded, and in order that a more just recognition of service may be granted to clerks who have been in one grade from between ten and thirty-four years.

	Salary.	Increase.		Salary.	Increase.
Present force:			Estimated for—Continued.		
1 clerk at	\$2,000	.....	9 clerks at	\$900	.....
5 clerks at	1,800	.....	1 messenger at	840	.....
5 clerks at	1,600	.....	1 assistant messenger at	720	.....
10 clerks at	1,400	.....	4 laborers at	660	.....
10 clerks at	1,200	.....	1 laborer at	600	.....
5 clerks at	1,000	.....	Allowed by H. R. 21574:		
9 clerks at	900	.....	1 clerk at	2,000	.....
1 assistant messenger at	720	.....	6 clerks at	1,800	1
4 laborers at	660	.....	6 clerks at	1,600	1
1 laborer at	600	.....	11 clerks at	1,400	1
Estimated for:			10 clerks at	1,200	.....
1 clerk at	2,000	.....	5 clerks at	1,000	.....
8 clerks at	1,800	.....	9 clerks at	900	.....
8 clerks at	1,600	.....	1 messenger at	840	1
12 clerks at	1,400	.....	1 assistant messenger at	720	.....
10 clerks at	1,200	.....	4 laborers at	660	.....
5 clerks at	1,000	.....	1 laborer at	600	.....

That is all the argument I have to make.

Senator CULLOM. If you had 1 additional clerk of class 3 and 1 additional clerk of class 2, could you not get along?

General SNIFFEN. Well, Senator, we would just have to get along, that is all.

Senator CULLOM. Would that not help you out?

General SNIFFEN. That will give us 2 more clerks, you mean.

Senator CULLOM. You will then be getting—

General SNIFFEN. We will then be getting 5 instead of 3. Will you not give us 1 of class 2? If you will give us 1 of class 2, making 3, we can do a great deal better. Some of our clerks did not have a leave of absence last year because they had important desks and we could not let them off.

Senator CULLOM. One additional clerk of class 1?

General SNIFFEN. One additional clerk of class 3, 1 of 2, and 1 of 1. That will make the proportion better.

Senator WARREN. At \$1,600, \$1,400, and \$1,200?

General SNIFFEN. At \$1,600, \$1,400, and \$1,200.

Senator CULLOM. You really think you ought to have them?

General SNIFFEN. I know it. I am positive of it.

Senator CULLOM. It is not just a question of promotion?

General SNIFFEN. No, sir; it is not a question of promotion. It is a question of necessity to carry on the business that you legislate we shall carry on.

Senator CULLOM. We will consider it and see what we can do about it.

General SNIFFEN. All right.

Senator CULLOM. That is all you desire to say?

General SNIFFEN. Yes, sir.

STATEMENT OF JOHN C. SCOFIELD, CHIEF CLERK, WAR DEPARTMENT.

Senator CULLOM. Colonel Scofield, you desire to be heard?

Mr. SCOFIELD. Yes, sir. On page 80, Secretary's office, War Department, line 15, there is a provision for 2 carpenters at \$900 each. I should like to have that changed to 1 carpenter and 1 skilled laborer at \$900 each. It will give us a certain elasticity in the use of employees that we do not have now. It will cost nothing and will add to the efficiency of administration.

Senator DANIEL. You have two carpenters?

Mr. SCOFIELD. Two carpenters, at \$900.

Senator DANIEL. What difference does it make as to the name you call them?

Mr. SCOFIELD. The difference is this, Senator, that if you call him a carpenter you can not put any other duties on him. A skilled laborer you can use as a carpenter or you can use him for other skilled labor duties.

Senator CULLOM. The only objection to that particularly is that all the skilled laborers now receiving less pay would want to be put right up. Do you see the point?

Senator WARREN. Is there any other name that you can suggest?

Mr. SCOFIELD. I do not think of any at this time.

Senator DANIEL. Who are those two men?

Mr. SCOFIELD. The two we have now, one is named Myers, and the other is a man named Grass.

Senator DANIEL. Some one wrote to me about a carpenter there.

Mr. SCOFIELD. Williams is another carpenter there. Williams is the head carpenter. He wants a promotion, and we did estimate for it, but the House struck it out. He is a very excellent man.

Senator CULLOM. Go to the next item.

Mr. SCOFIELD. In line 16, seven assistant messengers are provided. We now have eight assistant messengers. I am quite positive that this was cut down in the House through a misunderstanding and inadvertently.

Senator WARREN. Have they not added switch-board operators?

Mr. SCOFIELD. We have two telephone switch-board operators. One of them is a clerk at \$720 and the other is a laborer at \$660. In the hearing before the House committee the question was asked whether there was any objection to specifying them by their proper name and appropriating for them as telephone switch board operators? I said, "Not in the least." I think in the printed report of the hearing further along in talking about the matter the expression was used "one messenger at \$660 and one clerk at \$720." At any rate, they changed the designation from clerk to telephone switch board operator and cut off one clerk at \$720, but they also struck out one assistant messenger at \$720.

Senator WARREN. Did they strike out the laborer?

Mr. SCOFIELD. No. They struck out one assistant messenger at \$660 and inserted a provision for one telephone switch board operator in lieu thereof, which raises another suggestion.

Senator CULLOM. By making the number eight you get another messenger?

Mr. SCOFIELD. No; we do not. We just get what we now have. It maintains the status quo, and that is what we wanted to do.

Senator WARREN. They cut off one clerk and they cut off the two assistant messengers, so that they cut off three?

Mr. SCOFIELD. That is exactly what they did, and without doubt it was unintentional. The situation is just this: The House committee wished to appropriate for our two telephone switch-board operators specifically as such, instead of continuing to appropriate for them as one clerk at \$720 and one laborer at \$660. Accordingly, they cut out the appropriation for one clerk at \$720 and one assistant messenger at \$660, and in lieu thereof appropriated for one telephone switch board operator and one assistant telephone switch board operator, and under the general provision of law this gives the former a salary of \$720 and the latter a salary of \$600; but through some confusion in describing the present designations of these two employees, the committee, in addition to cutting off one clerk at \$720 and one assistant messenger at \$660, also cut off one assistant messenger at \$720. In other words, they created two new positions and cut off three existing ones, although clearly it was the intention of the committee simply to provide new designations corresponding to the duties of the two positions and not to reduce the force.

Senator CULLOM. You want the number 8 instead of 7?

Mr. SCOFIELD. Eight. It leaves it just as it is now, and is barely a sufficient force. When one of them is sick or goes away we are really put to straits to get sufficient messenger force.

Senator CULLOM. Go to the next item.

Mr. SCOFIELD. One assistant telephone switch-board operator takes the place of an assistant messenger at \$660. There is a general provision of law that the pay of certain positions, unless otherwise specifically provided for, shall be thus and so, and among others is that of assistant telephone switch-board operators, which is fixed at \$600. This will operate to reduce the pay of the former laborer. The young lady has been acting as telephone switch-board operator under the designation of laborer at \$660, and it changes her designation to assistant telephone switch-board operator and cuts her down to \$600.

Senator WARREN. That comes out of the plan to bring them all alike under one name, which was inaugurated by Mr. Littauer last year.

Mr. SCOFIELD. The provision for assistant telephone switch-board operator occurs in the pending bill for the first time. Why not change it to make the pay as high as that of mere laborer—\$660? Besides, there is authority for making the pay higher for experts when "otherwise specifically appropriated for."

Senator WARREN. But when we came into conference we could not insist on it.

Mr. SCOFIELD. Why could you not do it in this case?

Senator WARREN. Simply because all the rest are provided for in that way. It is a plan of theirs that they are very insistent upon. It would be one of the hardest matters to arrange it in conference, because it would interfere with the scale in other Departments. I am not saying that the system is right, but it exists.

Mr. SCOFIELD. It seems to be hard, because she is a very faithful and efficient employee, and it reduces her pay \$5 a month.

On line 25, the House left us one telephone operator at \$480. I wish to ask that to be changed to assistant messenger at \$480. That is really the duty that is performed. It simply changes the name.

Senator CULLOM. How does that happen to be there as telephone operator?

Mr. SCOFIELD. The position was formerly held by an assistant telephone operator. A vacancy came in the position of laborer, and this person, who was a telephone operator, was the most deserving person for that promotion, and the civil-service rules permitted it to be made.

Senator CULLUM. Now you want to have it changed to assistant messenger?

Mr. SCOFIELD. To assistant messenger, which corresponds to the character of duties that are being performed.

These changes involve an increase in the appropriation of \$780, namely, \$720 for the restored assistant messenger, who was undoubtedly cut off inadvertently and which we ought to have beyond all question, and the addition of \$60, which you say is impossible, for the assistant telephone switchboard operator.

Senator WARREN. We can make that exception and possibly it will go through. We do not like to see the pay of the woman cut down. I think it is a shame.

Mr. SCOFIELD. She is a telephone switch-board operator and not an assistant. She does the same work as the other and for \$120 less a year, if the reduction of \$60 in her salary is allowed to stand.

Senator WARREN. The only question is whether there is some other place open to her and that another person could take this place, so that it would be in the nature of a promotion instead of a reduction. It is one of the things the House are very insistent upon to have all assistant telephone switch-board operators everywhere paid \$600. We can make the exception and try it.

Senator CULLUM. We will see what can be done about it. Is there anything further that you wish to suggest to the subcommittee?

Mr. SCOFIELD. There was one other request in our estimate that I was very sorry the House committee did not give us, and it was perhaps due to my hearing before them. The Secretary in the estimate asked for an additional clerk of class 2, a \$1,400 clerk, and it was explained that this clerk was intended to assist me in the control of printing matters with a view to reducing expenses. We are paying a great deal of attention, and have been for some years, in the War Department, to the cost of printing, with a view of eliminating unnecessary printing and reducing the expense of printing by preparing copy in the best shape for the printer and avoiding the expense of changes and all that sort of thing. There is a man in the Ordnance Department who was formerly a proof reader in the Government Printing Office.

He has been in the Ordnance Department for a number of years and has charge down there of matters relating to the printing for the Ordnance Department. I have been using him by an arrangement with General Crozier, the Chief of Ordnance, for some six or eight months or more. He comes up to my office whenever I send for him if he can be spared, and regularly comes up at 3 o'clock for the rest of the day to assist me. I have in charge all the requisitions for printing and he comes up to assist me in inspecting copy and making changes

and seeing that it is prepared all right and conforms to the rules of the Department and of the Government Printing Office.

It does not work very satisfactorily to have a man that way. There are times during the day when I need him very badly, and I send down to the Ordnance Department and he is engaged and I can not get him. I spoke of the matter to the Secretary and he put in this item for the transfer of the man at the same salary. He was getting \$1,400.

Senator CULLOM. You wish to have him transferred from the Ordnance Office?

Mr. SCOFIELD. From the Office of the Chief of Ordnance to our office. I had not spoken to General Crozier about it, but some little time afterwards I mentioned it to him to see if he would have any objection. He said, "I would like to accommodate you, but really he is a very valuable man, and is doing this same kind of work in our Department and there would be difficulty in replacing him. I should dislike to let him go unless he got an increase of salary." I said, "There is no increase of salary involved in it." He said, "I would not stand in his way if there was an increase, but if he is to go at the same salary I should be inclined to object." I stated that to the House committee, and I think it was very likely on the strength of that statement that they cut it off, because we had not estimated for an increase. I really believe that it is in the interest of good administration to give that man \$1,600 and to put him in our office.

Senator CULLOM. It was not estimated for?

Mr. SCOFIELD. It was not estimated for. I have no doubt, however, that if I had presented the case to the Secretary he would have asked for it.

Senator WARREN. You want one \$1,600 clerk?

Mr. SCOFIELD. One \$1,600 clerk.

Senator DANIEL. How about Mr. Williams, the carpenter you spoke of?

Mr. SCOFIELD. He gets \$1,000. He is a most excellent cabinet-maker. We estimated for an increase to \$1,200 for him, but the House cut it off.

Senator WARREN. According to our bill here you stand decreased. There are four clerks of class 3 provided. That is all you estimated for. You now have five, and there are only four provided in this bill at line 9, page 80.

Mr. SCOFIELD. We asked for one fourth-class clerk additional; that is, for one additional position carrying the salary of a fourth-class clerk. We have now four clerks of class 4. We asked for the same number of clerks of class 4, but we put in a new position, that of stenographer to the Secretary at \$1,800, in lieu of one clerk of class 3.

Senator WARREN. And that was allowed by the House?

Mr. SCOFIELD. That was allowed.

Senator WARREN. That provided for an \$1,800 clerk in place of a \$1,600 clerk?

Mr. SCOFIELD. Yes, but not as a clerk of class 4; it is a specific designation—stenographer to the Secretary.

Senator WARREN. I brought up the matter because I wanted to make it perfectly clear.

Mr. SCOFIELD. We ask for a decrease in one grade because we were asking for a specific clerk elsewhere.

Senator DANIEL. You say that Williams was estimated for at \$1,200, but the House cut it down?

Mr. SCOFIELD. For one carpenter an increase of \$200 was submitted. That is what we estimated for. This man is a cabinetmaker. He is a very efficient man, a man of splendid character and habits, quiet, and a hard worker. He is a very deserving man. We say (see Book of Estimates p. 56):

An increase of \$200 is asked for in the salary of the chief carpenter. The salary it is desired to give him—\$1,200—is no more than is paid for like service in some Departments, and is less than is paid in one Department.

In the Treasury Department a cabinetmaker gets more.

Since the present salaries were fixed for the carpenter force the pay of carpenters in outside business has increased from \$3 to \$4 per day for journeymen and from \$4.50 to \$5 per day for foremen.

There is a carpenter at \$1,200 in the Post-Office Department, and you will find in the Treasury Department a carpenter at \$1,500.

Senator WARREN. This man is a cabinetmaker, as well as a carpenter. Of course, a cabinetmaker is always a carpenter.

Mr. SCOFIELD. Of course. He is a very superior man.

Senator CULLOM. What else have you to suggest to the committee?

Mr. SCOFIELD. That is all.

STATEMENT OF HERBERT PUTNAM, LIBRARIAN OF CONGRESS.

Mr. PUTNAM. Mr. Chairman, I have but one matter to bring to your attention and it will take but a moment.

Senator CULLOM. We will hear you, Mr. Putnam.

Mr. Putnam. It is, from one aspect, solely a matter of promotion, but it has another aspect.

In each division of the Library there is immediately under the chief a chief assistant, who in the absence of the chief is in charge of the division. The salary established for the position of this chief assistant, what we regard as the normal salary and the one which has been established in most of the divisions, is \$1,500. There are four divisions in which less is still paid. There were seven, and the House made good three of them. There remain four such positions. I am very anxious to bring up the salaries in those.

I call \$1,500 the normal because it exists in divisions of no greater responsibility and is paid to people of no greater capacity. It would, if granted in these four positions, bring my organization to the normal point, the consistent point, that I recommended six or seven years ago, when I started my plan of organization. These positions appear on pages 28 and 29 of the bill—the documents division, the maps, the the music, and the prints. In three of the four cases the assistant immediately below the chief is now receiving \$1,200. In the fourth case he is receiving \$1,400. I ask that in each case he shall receive \$1,500.

A similar request in the case of three other positions was acceded to by the House. I do not know any respect in which these four remaining cases would differ in claim, or in the particular claim, perhaps, of the present incumbent.

These men have all been in the service from five to nine years. They are married men, with one exception, and men of technical train-

ing, and they are men who have felt the responsibility of the position in the absence of their chief.

I am anxious to complete the organization, but I also could thoroughly certify to the propriety of these increases in the particular case of each one of these men.

There was a fifth recommendation for an increase in the copyright office to effect a nearer equality between some subdivisions there. That was an increase of \$200 added to a \$1,600 position. I would suspend that recommendation now. There remain, therefore, only these four. Of these four there are two who would have, if anything, superior claims to the others, and I would lay special emphasis on these if it be not possible to provide for the whole four.

Senator CULLOM. Which two are those?

Mr. PUTNAM. They are the chief assistants in the division of Maps and Charts and in the division of Documents.

Senator CULLOM. Those are superior to either of the others?

Mr. PUTNAM. If the choice must be made; but I should have to come back next year and ask for the remaining two. These are the residuum of the group of readjustment of salaries that I submitted six or seven years ago, and that have been gradually dealt with. These alone remain.

That is the only matter I have to submit to the committee.

Senator CULLOM. You are proposing an assistant to an assistant?

Mr. PUTNAM. No; they are called assistants or chief assistants. They exist. It is a question of salary rather than of designation. Though the designation in some of the divisions is chief assistant and in other divisions only assistant, it means the chief assistant to the chief of the division.

The urgent need for stacks for bound newspapers which I submitted, and which the Superintendent of the Library building submitted last year, is still more of an emergency, but the appropriation act of this year carried a provision of \$2,500 to enable the Library Committee to look into the matter further. That committee, I suppose, has had the matter under consideration, and until it reaches some decision which it will communicate it would not be proper for us to press it except simply to say the need is still more urgent. The Superintendent has called attention to it in his annual report, which is printed with mine. Illness has caused his absence at the moment and he is not to be in Washington until the 12th or the 15th of January, I fear.

That is all, sir. May I submit, however, this written communication which explains as to these positions, and I ask, if proper, that it may be incorporated in the record.

Senator WARREN. Is that new or is it like those already submitted?

Mr. PUTNAM. It is simply to cover these four or five positions.

Senator WARREN. It has been submitted before?

Mr. PUTNAM. Yes, sir.

Senator CULLOM. If we do not give the increase to you this year you will come again, I suppose?

Mr. PUTNAM. For those that remain, whatever are granted. I am particularly anxious, if the Senate shall deem it proper, that these four increases should be inserted in the bill this year. The Senate committee have put them in in previous years and they have also put in other items which have been adopted. In conference these fell out. The fact that the House committee have for the first time in years granted

these other three increases and granted us the additional appropriation for the purchase of books suggests, of course, as I have indicated in my communication, that there is a favorable disposition this year.

Senator WARREN. You have worn them out, in other words?

Mr. PUTNAM. I think they would be very apt to be more acquiescent, if we may infer anything, this year than they possibly might be in some other years. Therefore, if it is possible for you to aid me to complete my organization this year, in this bill, I, of course, shall be very much gratified.

Senator CULLOM. We will take up the matter and determine about it.

STATEMENT OF S. W. STRATTON, DIRECTOR OF BUREAU OF STANDARDS.

Senator CULLOM. Mr. Stratton, your Bureau is growing so big that we are all frightened, and we thought we had better have you come up here and enlighten us a little on the subject. How does it happen that this establishment of yours is growing so rapidly?

Mr. STRATTON. I think perhaps it is because there is a tendency all over the country, and especially in the Government service, to measure things that were guessed at before, and to require people who furnish goods upon specification to have those goods tested and see that they conform to the specifications. A large part of the increase in the work of the Bureau—in fact, I might say the greater part of the increase—has been from the Government service. Fully half of the work of the Bureau is for the Government Departments.

Senator CULLOM. What do they require of you?

Mr. STRATTON. All sorts of work. Nearly every Department of the Government is carrying on work in which standards and measuring instruments are used. These are submitted to the Bureau for testing. In addition to that, there is a growing disposition on the part of the Government to issue proper specifications in connection with all purchases and to test all articles furnished to see that they conform to the specifications. The Bureau is frequently called upon to assist in the preparation of such specifications and to do the testing.

Senator WARREN. Specifications as to contracts?

Mr. STRATTON. Yes, sir; especially technical articles. Take, for example, incandescent lights. Before the Bureau started there was very little, practically nothing, done in the way of the standardization of these lamps. The Bureau began by establishing its own standards. The standards were then furnished to the makers of incandescent electric lamps. That is to say, they sent their standards for comparison with those of the Bureau of Standards. Later, the Departments of the Government applied to the Bureau for specifications, for standards and for testing; and now practically every Department in the Government service is either using standards furnished by the Bureau or submitting the lamps to the Bureau for test. When the lamps are bought a certain percentage are sent to the Bureau for testing to see that they comply with the specifications. That is but one of many illustrations of the work done by the Bureau.

Senator WARREN. Do you lay down the standard for the purchase of clothing for the Army, and as to the purchase of food?

Mr. STRATTON. In certain cases; but generally the Bureau assists in the preparation of the specification, furnishes the standards of measurement when such are involved, and often makes tests where it is a

question of measurement. A case in connection with goods furnished the War Department has recently been referred to the Bureau. A contractor furnished a large number of rubber blankets, and there was a question as to whether the process of treating the cloth with the rubber weakened it. In this case the manufacturer and not the Government submitted the test to the Bureau of Standards.

Senator WARREN. Let me ask you a question which my ignorance, I suppose, prompts me to ask. You say that perhaps one-half your work is done for the Departments of the Government. Do you mean that the other half is done for those outside the Government?

Mr. STRATTON. Yes, sir.

Senator WARREN. And is there any part of that for which you receive compensation direct?

Mr. STRATTON. Yes, sir.

Senator WARREN. What becomes of the fund that you receive?

Mr. STRATTON. It goes into the Treasury.

Senator WARREN. It is turned into the Treasury?

Mr. STRATTON. Yes, sir. Last year the fees from testing amounted to, approximately, \$5,000. It will be much more this year. That, however, is supposed to cover only the actual time in making tests.

Senator WARREN. I assumed that to be true, but it was easier to ask you than to look it up.

Senator DANIEL. Where will we find some account in your reports of the work of your Bureau?

Mr. STRATTON. There is an annual report which covers the financial part of the work; bulletins are issued covering the scientific investigations which are going on and circulars of information covering the testing.

Senator DANIEL. Do they appear in the Government reports?

Mr. STRATTON. They are all Government publications. I will see that you are furnished with copies of them.

Senator DANIEL. I will be very much obliged to you. Where is your Bureau? How do you style its location?

Mr. STRATTON. You can almost see it from that window. [Indicating.] It is about half a mile beyond Cleveland Park.

Senator DANIEL. On the other side?

Mr. STRATTON. Yes, sir.

Senator WARREN. About how much land have you there?

Mr. STRATTON. Six or seven acres.

Senator WARREN. Is it cut into blocks, or is it simply a plot on each side of which there are thoroughfares?

Mr. STRATTON. At the time the Bureau was established the amount appropriated for land was \$25,000. It was therefore necessary to take what could be had. It borders on the Pierce Mill road; Pierce Mill road will soon be abandoned. I think it is Van Ness street that is to be opened just north of the Bureau. Then the Bureau should acquire the strips around it, which will extend its property out to Van Ness street on the north and Quincy street on the south and toward Connecticut avenue on the east.

Senator WARREN. Six acres being more than a block in the city, will there be the laying out of roads through your property?

Mr. STRATTON. No, sir; none other than those required for the use of the Bureau.

Senator WARREN. It will end at your line, so as to cause you no inconvenience?

Mr. STRATTON. We have conformed with the street plan of the District Commissioners.

Senator WARREN. In the erection of your buildings?

Mr. STRATTON. Yes; the buildings have been located with reference to the original street plan that had already been adopted. There never will be any necessity for streets passing through the ground of the Bureau. The street north of the site should be opened as soon as possible.

Senator DANIEL. What are the things you test there? For instance, you have spoken of rubber goods and incandescent lamps.

Mr. STRATTON. Speaking further as to Government work, a great many bureaus of the Government are engaged in scientific work. Almost every scientific problem that is taken up involves some sort of measurement. It may be a measurement of temperature, it may be weight, length, or capacity; or it may be one of several electrical measurements. If the measures that they use are not right it vitiates the entire work. The same is true of all work done in the laboratories of scientific institutions or manufacturing concerns. If Dr. Wiley, in his investigations, had to standardize all of his measures of weight and capacity used in making analyses he would spend a great deal of time, whereas it can be done at the Bureau more quickly and systematically, and, furthermore, it insures uniformity with all others who are doing that kind of work. The question of uniformity in all measurements is one of great importance. It can only be secured by means of a central bureau having correct and authorized standards and fitted with the facilities for comparing them with the standards in use by the public.

The glassware used by chemists in this country was formerly all purchased abroad, principally from Germany, because it was tested and marked at the Government institution; and our chemists could secure this glassware with the Government stamp upon it, thus securing accuracy and uniformity. The Bureau of Standards has cooperated with our manufacturers of such glassware. They are now manufacturing it according to specifications issued by the Bureau. The users submit it to us for testing. Many laboratories, including those of several large Government bureaus, submit their glassware to the Bureau for test. This not only insures uniformity in that class of goods, but encourages the manufacture in this country of an article which has been imported almost solely from Germany.

Senator WARREN. Do you extend it far enough to take in structural steel, iron, and lead used by the Government?

Mr. STRATTON. We have not yet done so to any extent, except for the Departments of the Government and in several cases for the public where disputes have arisen. If we could do the work that comes to us the Bureau would be many times as large as it is. It has been necessary to develop the work in connection with standards of measurement before taking up that in connection with materials. The Bureau has been compelled to turn away the testing of material, except for the Government or where disputes have arisen. There are a great many important problems and investigations that should be taken up in connection with engineering materials.

Senator DANIEL. Do you test food?

Mr. STRATTON. No, sir; that belongs to another Department.

Senator WARREN. You test just as to measurements?

Mr. STRATTON. As to measurement, the standards and instruments used in measurement; but the Bureau is authorized to test materials.

There is another very important work of the Bureau which perhaps is worth as much to the country as all of the rest of its work put together, and that is its influence upon the weights and measures of the country. You would be surprised at how little attention has been paid in this country to ordinary commercial weights and measures. Very few States have even an official who looks after such matters. Very few cities have officials who supervise weights and measures. I have recently had occasion to look up the condition in the State of New York. There is almost nothing done there, except in the city of New York, where the question has only recently been taken up. This movement that is starting throughout the country in favor of correct weights and measures is equally important with the measure of pure food. They should go together, and in many cases they can be worked together.

Senator WARREN. Have you in mind so that you can give us an approximate of your earnings last year, which you turned into the Treasury of the United States? Of course we could find it, but perhaps you can tell us about the amount.

Mr. STRATTON. Yes, it was nearly \$5,000.

Senator DANIEL. How much is the expense to the Government of the United States of your establishment in a year?

Mr. STRATTON. The laboratory expense is \$40,000, the general expense is \$15,000, making the total expense for maintenance about \$55,000, and exclusive of salaries. For salaries the expense is about \$111,000.

Senator WARREN. I had my attention called so sharply to the very large percentage of increase, nearly \$20,000, which the House gave you, that I wanted you to explain it.

Mr. STRATTON. The Bureau is new and could not start out with a full force. Its growth will, of necessity, be more rapid during the first few years of its life.

Senator CULLOM. How much has been spent in buying land and putting up the buildings you already have?

Mr. STRATTON. The buildings were erected at a cost of \$325,000, and approximating \$200,000 has been spent in equipping the buildings. That has been appropriated from year to year.

Senator WARREN. Judging from the past as to your earnings, it does not cut a very large figure, and you can not expect very much income. For instance, the Patent Office pays for itself as the work runs along. Your expectation is not to have your Bureau pay any large percentage of its cost?

Mr. STRATTON. I do not see how it can, any more than the Agricultural Department—take, for example, the experiment stations—can pay their running expenses, or other bureaus of that Department. A large part of the work is that for which no fee can be charged. For example, the Bureau has the facilities for testing temperature-measuring instruments. The steel manufacturers of the country, the men who manufacture glass and porcelain ware, all of them measure temperature—that is, they should measure temperature. They have been guessing at it. Hardly a day passes that the Bureau is not consulted

by such interests as to the best instrument and methods of measuring high temperature. Such men visit the Bureau for the purpose of learning what can be had in the way of apparatus for measuring temperature, and how to use it; and after they secure and install such apparatus it is sent on from time to time for testing. The Bureau charges for the testing only. The amount of fees is larger than was expected and it will increase right along. But in no institution of the kind can the amount of fees bear any considerable portion of the expense.

Senator CULLOM. It will not indicate the value of the institution to the public?

Mr. STRATTON. No, sir.

Senator CULLOM. That is the trouble about this whole thing, to my mind. We do not seem to be able to get any testimony before the public that shows by the amount of your proceeds the value of the concern.

Senator DANIEL. Give us some instances of the Government tests, if you please. What do you test for the Government? You mentioned incandescent lamps.

Mr. STRATTON. The principal work of the Bureau is in the fundamental standards of measurement and measuring instruments. The Government and the public are on precisely the same basis as far as the work of the Bureau is concerned, except that we do not get any fee from the Government.

Now, let us take the Coast and Geodetic Survey. Their chains, their tapes—all of the standards of length that they use in making their surveys—are tested at the Bureau. For example, the tapes and measuring apparatus used in making surveys are sent to the Bureau for testing. They are taken into the field, surveys are made with them, and when they come back in the fall they are tested again. The Bureau's work consists in comparing those tapes with the fundamental standards of the Government. The leveling rods and other measuring apparatus used by the Geological Survey are tested. The same is true of the Bureau of Forestry, the Navy Department, and the War Department. Whenever surveys are made the instruments involved must be sent to the Bureau for comparison with the standards if accurate work is to be done. The Bureau does work of this character for all of the bureaus named, and the value of such work can not be estimated in dollars and cents.

The Navy Department and the Bureau of Forestry send their barometers for testing. The Weather Bureau sends its standard thermometers. I do not believe there is a Department or independent office of the Government, outside of the State Department or Department of Justice, that the Bureau is not doing work for. Take two cases alone in the Treasury Department. The duty on sugar is assessed in proportion to the amount of pure sugar that it contains. It is shipped in as raw sugar.

Senator DANIEL. The Dutch standard?

Mr. STRATTON. The instrument that measures the amount of pure sugar is called the polariscope. The Government collects, I should say, in the neighborhood of \$60,000,000 a year duty on sugar. It is necessary that these instruments be accurate. Hence they are sent to the Bureau for standardization. Every day each custom-house sends

a sample of sugar to the Bureau for polarization. This is used as a check analysis upon all the custom-houses.

Take the Internal-Revenue Service. The revenue taxes are assessed on alcoholic liquors in proportion to the amount of alcohol they contain. This is measured by hydrometers, instruments for measuring specific gravity. All of these instruments used by the Treasury Department are sent to the Bureau and receive the Bureau's stamp. This must be done in order to secure accuracy and uniformity. How can the value of such work be estimated?

Senator CULLOM. I see this item of increase in the bill over 1905: One associate physicist, \$2,200; one associate physicist, \$2,000. You have more physicists than one can count.

Mr. STRATTON. Senator, that is a general term for all the scientific workers of the Bureau except chemists. If we should call them experts, we might say an expert in the thermometry, or an expert in pyrometry, which means the measurement of temperature, or an expert in polarimetry, and it would be a mass of scientific terms that would only confuse the mind.

Senator CULLOM. You just use that one word to express the whole force?

Mr. STRATTON. One word for the entire scientific force—that is, physicist for the higher grade, associate physicist for the next one, assistant physicist for the next, and laboratory assistant for the next. It makes a simple classification of terms.

Senator CULLOM. You asked for an increase of 15 in number and \$19,180 in amount, and the House gave the whole sum. Is there anything else that you wanted to ask the Senate committee to do?

Mr. STRATTON. I should like very much to have the sum for the delivery wagon made immediately available. We have a small delivery wagon, which is practically broken down. The bill going up to the Bureau is very steep, and in fact it is common to see the driver pushing it up the hill. It has been running five years now, and is entirely too small and practically out of commission. I should like very much to have that appropriation made immediately available.

Senator CULLOM. On page 153, line 7—

Including an express wagon, not to cost more than two thousand five hundred dollars.

Mr. STRATTON. Yes, sir.

Senator WARREN. That is a remarkable amount to appropriate for a wagon. What style of wagon can you possibly get?

Mr. STRATTON. An electric delivery wagon.

Senator WARREN. You mean one of these automobile cars?

Mr. STRATTON. Yes, sir. That is what we have had right along. It avoids the keeping of horses. We have no horses and no stables.

Senator DANIEL. Why do you not call it that?

Mr. STRATTON. Does it not say "electric delivery wagon?"

Senator CULLOM. No, sir.

Mr. STRATTON. I am sure it was in the estimate as an electric delivery wagon. In my letter to the Secretary I asked for an electric delivery wagon, the appropriation to be made immediately available, and through an oversight at the Department they left out the words "to be immediately available."

Senator DANIEL. Perhaps it was done purposely?

Mr. STRATTON. No; Mr. Soleau admitted it this morning. I called at the Department first about this matter.

Senator CULLOM. They left it out by accident?

Mr. STRATTON. Yes. Here is the letter in regard to it:

DECEMBER 29, 1906.

SIR: House bill No. 21574, as it passed the House of Representatives, contains an item of \$2,500 for an express wagon to be used by the Bureau of Standards, of this Department. Inadvertently, the estimate upon which this item was based neglected to ask that the appropriation be immediately available.

I find it absolutely necessary to request your committee to amend the bill as it passed the House of Representatives so as to make this appropriation immediately available, because the wagon now in use is too small for the growing demands of the service and is unfit for service.

The same bill provides for two mechanics, at \$1,000 each per annum. I find that the average compensation paid for mechanics of this class is \$1,200 per annum and I therefore recommend that the bill be amended by increasing these compensations from \$1,000 per annum to \$1,200 per annum.

Owing to the fact that there is a great demand for men of this class, both in the Government service and private concerns, it is necessary to increase these salaries in order to retain efficient men.

Respectfully,

LAWRENCE O. MURRAY,
Assistant Secretary.

The CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS.

Senator WARREN. You say that you have an electric wagon now?

Mr. STRATTON. Yes, sir. It has given good service, but during the past year has frequently broken down due to overloading.

Senator WARREN. And it has been used for five years and is no good?

Mr. STRATTON. It can not do the work that is required of it. It has not sufficient power or capacity for the Bureau's needs, even when in good condition. These wagons have been very much improved during the past few years. Their use by express companies and merchants for delivery wagons is becoming quite common. The Bureau's reasons for selecting an electric wagon are, first, it avoids the keeping of horses, for which the Bureau has no facilities; second, the Bureau has facilities for generating current and charging storage batteries and for keeping them in repair. Under these conditions an electric wagon is the most reliable and economical method by which the Bureau can transport the apparatus submitted for test and its own traffic to and from the city, which is considerable, as the express companies do not deliver that far out.

Senator WARREN. Do you expect to buy one that will not wear out in five years?

Mr. STRATTON. A very much better one can be had now. This was an early style of wagon and of small size. Our purpose is to repair it and keep it for an emergency wagon. We hire an extra wagon almost every day.

Senator CULLOM. Is that all you wish to submit to the committee?

Mr. STRATTON. There is one other item. We have two instrument makers, two mechanics, at a salary of \$1,000 each. I should like very much to have that raised to \$1,200. These men are very difficult to get. They are of the highest class of mechanics. They make the better class of scientific apparatus. The Coast Survey, the Weather Bureau, and a number of other Departments having scientific bureaus pay their mechanics that amount.

Senator CULLOM. The House gave you one additional mechanician at \$1,200.

Mr. STRATTON. Yes, sir; and we have two at \$1,000; and we must either raise their salaries or let them go and take inferior men. Twelve hundred dollars is about the price paid in Government service and also by private concerns for the best workmen of this kind. They are men who can make microscopes, telescopes, and other scientific apparatus. They are not ordinary machinists. They are the highest class of workmen. Few of them are trained in this country.

Senator CULLOM. Was this increase estimated for?

Mr. STRATTON. No; it is new matter.

Senator CULLOM. We can not very well increase their pay unless you get the Secretary to recommend it.

Mr. STRATTON. The Assistant Secretary had the letter, of which I have submitted a copy.

Senator CULLOM. They ought to have done it before now, so that the House could have considered it.

Mr. STRATTON. Mr. Murray had the letter with him.

Senator WARREN. This morning?

Mr. STRATTON. Yes, sir. This is a copy that I have here. I will see that you get the official letter with the signature.

Senator CULLOM. We will consider whether we can allow you that or not in view of the apparently tolerably generous treatment of the House.

Senator WARREN. Perhaps the House gave you some things that you do not need as much as the other item?

Mr. STRATTON. No; this matter of the mechanicians came up since the estimates went in. In fact, I know that these men can leave and are going to leave. It is simply a question of the market price for that class of men.

Senator CULLOM. You will not be able to hold them?

Mr. STRATTON. I will not be able to hold them. We will have to get others and train them. I know that \$1,200 is the price that such men receive even in commercial concerns. They are makers of the highest grade of scientific apparatus. Most of them come originally from Germany.

Senator CULLOM. We will consider the question whether we can allow you those two. Is there anything else that you want to speak of?

Mr. STRATTON. No, sir; those are the only points. I would be very glad to have any of you or any members of the committee visit the Bureau. I think that is the only way to get fairly acquainted with its work.

Senator CULLOM. All right. We will take up the matter for final disposition when the full committee is here.

STATEMENT OF WILLIAM S. ROSSITER, CHIEF CLERK, BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE AND LABOR.

Senator CULLOM. Mr. Rossiter, you are chief clerk of the Census Bureau, I believe?

Mr. ROSSITER. Yes, sir.

Senator CULLOM. What do you want to say to us?

Mr. ROSSITER. I should like to urge again, Mr. Chairman, the general facts presented in the memorandum that I forwarded some days

ago. The most important matter which concerns the Census Bureau in connection with the present bill is a desire to increase the lump sum appropriation of \$400,000 for field work allowed by the House in the bill.

Senator WARREN. To \$525,000?

Mr. ROSSITER. Yes, sir; to \$525,000.

Senator WARREN. That matter has been pretty fully explained.

Mr. ROSSITER. That is the most important matter, I am persuaded, which the Director would bring to your attention if he were here. Probably the next important matter would be the increase of compensation for the four chief statisticians. He has been very deeply interested in that, and has felt that their case is quite different from that of most of the experts and minor officers in other bureaus and Departments.

Senator CULLOM. Who are the main statisticians now?

Mr. ROSSITER. By name, Senator?

Senator CULLOM. Yes.

Mr. ROSSITER. The chief statistician for manufactures is Mr. William M. Steuart, who was connected with the Eleventh and Twelfth Censuses; for population, Mr. William C. Hunt, who was also with the Eleventh and Twelfth Censuses; for agriculture, Dr. LeGrand Powers, who was connected with the Twelfth Census; and for mortality, Dr. Cressy L. Wilbur, who was recently appointed in place of Mr. William A. King, deceased.

Senator CULLOM. I was a little curious to know whether the old set are still with you. There are three of them?

Mr. ROSSITER. Yes, sir. With the exception of Mr. King, who died, the others are still there.

Senator WARREN. Doctor Powers is on agricultural statistics?

Mr. ROSSITER. Yes, sir. He has had charge also of the inquiry upon wealth, debt, and taxation.

Perhaps in addition to the memorandum which is attached to my testimony before the House committee you will permit me to call attention to a fact about these gentlemen which is not specially amplified there, and that is that their work is distinctively brain work and demands organizing capacity and ability. It is in its highest sense expert work. These gentlemen are in charge of separate inquiries. These are the great inquiries ordered by Congress, ramifying all over the country. They require the use of office force, special agents, and others, located frequently in every State in the Union, with enormous correspondence and the organization and conduct of the work, the preparation of the tables, and subsequently the writing of the report itself. These are the responsible duties of the chief statisticians. It is not routine work in any sense.

Senator CULLOM. You have had charge of the Census Bureau since Mr. North has been absent, I believe?

Mr. ROSSITER. Yes, sir.

Senator CULLOM. Is there anything further that you want to say that is not embodied in your letter?

Mr. ROSSITER. No, sir; I think that is all. Our troubles at the present time are pretty clearly set forth in the letter addressed to the committee.

Senator WARREN. You are acting now as the Director?

Mr. ROSSITER. Yes, sir.

Senator WARREN. There is no impropriety in it, and it is probably the way to have the matter handled in the absence of the Director to have the chief clerk authorized to act.

Mr. ROSSITER. You mean to handle the office?

Senator WARREN. I say, acting as you are now doing, there is no impropriety in it, and it is better to go on handling the office in that way.

Mr. ROSSITER. I see no impropriety in it. If you refer to the possible propriety of my appearing before the committee, as a matter of fact I communicated some time ago with the Department concerning the propriety of my dealing directly with this committee and was informed that such action was entirely satisfactory to the Department, and that, having full knowledge of census detail, I should communicate directly with you.

Senator CULLOM. Mr. North left you in charge?

Mr. ROSSITER. Yes, sir; but it is in accordance with the law also which places upon me the responsibility of performing the duties of Director in the absence of my superior.

Senator CULLOM. Is there anything else that you wish to suggest to the committee?

Mr. ROSSITER. No, sir; unless you desire to ask me a question, Mr. Chairman, regarding the other items. I do not wish to take your time in repeating what is in the memorandum unless you desire me to do so.

Senator CULLOM. Can you call attention to the page and line in the bill?

Mr. ROSSITER. I will do it with pleasure. The items of the Census Bureau begin on page 147. The first request that was made by the Director which was not considered by the House favorably was the increase of the four chief statisticians from \$2,500 to \$3,000. Please observe that I am now referring to the Director's original recommendations for increase made to the Department in September. He requested also the addition of a librarian at \$1,500. This was not granted by the House. He also asked that the number of clerks of class 4 be increased from four to five, and those in class 3 from seven to eight, and that on the basis of those changes the number of clerks at \$1,000 be reduced to 190.

Senator CULLOM. That they be reduced?

Mr. ROSSITER. From the number now employed under the current law. The House declined to agree to the increases mentioned (librarian and two clerks in classes 3 and 4), but added 2 clerks at \$1,000 to the 190 requested by the Director, making 192 actually allowed.

Concerning the disallowed item for carpenter and the items for skilled laborers at \$1,000 and \$900 the facts are as follows:

The current appropriation provides for 2 skilled laborers at \$1,000 and 5 at \$900. These positions are all occupied by faithful employees of the utmost importance to the office. One of the two skilled laborers at \$1,000 is the carpenter, and the Director thought that in view of his exceptionable efficiency, long period of service, and the important character of the duties that he performs (such as cabinetmaking, etc.) he ought to receive \$1,200 in order to conform to the current rates of pay for such work outside. He was also of the opinion that he ought to be designated in the law as carpenter instead of skilled laborer.

Consequently in the estimates submitted to the Department the

Director asked for the position of carpenter at \$1,200. This, if allowed, would eliminate one of the skilled laborers, and the Director preferred to make the reduction in the \$900 grade, thus leaving a vacancy at \$1,000, to be filled by promoting one of the skilled laborers now receiving \$900. He therefore asked for four skilled laborers at \$900 instead of five, as now provided for. The Department declined to recommend the new position of carpenter at \$1,200, but did recommend that the position of carpenter at \$1,000 be created. Assuming that this would be allowed, the Department recommended that the number of skilled laborers at \$900 be reduced from five to four, as the Director had suggested. The House committee, however, disallowed this new position of carpenter, without restoring the skilled laborer in the \$900 grade. The effect of this was to legislate out of existence a position of skilled laborer at \$900, leaving us one skilled laborer less than the present force, all of which we actually need. I therefore earnestly request that either the position of carpenter at \$1,000 be restored, as the Department recommended, or that the number of skilled laborers at \$900 be increased from four to five, which would have the effect of maintaining the existing force. I explained this, or endeavored to explain it, to the House committee, but they did not see fit to make the alteration.

As already explained, however, the matter of greatest importance to the census is to secure the full amount of \$525,000 requested by the Director for the collection of statistics, in place of the \$400,000 allowed by the House for that purpose. This I have gone into in some little detail in the memorandum, but if you desire me to do so I will refer to it now.

SÉNATOR CULLOM. You mean in this letter?

Mr. ROSSITER. Yes, sir. If you desire me I can state briefly what the situation is.

Senator CULLOM. Proceed and let us hear what you have to say. It is an important question whether we are to allow or disallow \$125,000.

Mr. ROSSITER. The request of the Director for \$525,000 was based upon this subdivision: Twenty-five thousand for a transcript of mortality records; \$25,000 for collecting statistics of cities, and \$225,000 for the collection of cotton statistics. Please observe that these items total \$275,000 for annual inquiries which must go forward each year. Being annual, we also know almost exactly what those three inquiries will cost, the variation in expenditure for them probably would not exceed 4 or 5 per cent.

The remaining items specified by the Director in reaching the amount of \$525,000 requested were for the report upon fisheries, ordered at the last session of Congress, to be taken in cooperation with the Bureau of Fisheries, approximately \$40,000; for the quinquennial census of electrical industries, also ordered by Congress at its last session, \$40,000; for the continuation of the inquiries upon marriage and divorce and the criminal judicial statistics, which are now under way, \$150,000; and \$20,000 for miscellaneous items and to cover several minor inquiries. If the House appropriation should be permitted to stand, all that remains after subtracting the three annual inquiries above mentioned is the sum of \$125,000. If you recall that the Director asked for \$150,000 for marriage, divorce, and criminal judicial statistics alone, you will see that that item is

\$25,000 short and that nothing whatever is left for the census of fisheries or the census of electrical industries or the miscellaneous items.

The net effect therefore would probably be to permit us to go forward with the three annual inquiries, but to seriously cripple the inquiries upon marriage and divorce and criminal judicial statistics, which I understand are regarded by Congress as very important, and to make impossible the census of fisheries or the census of electrical industries, although Congress specified that the latter should be made in 1907. Please understand that this outline is merely suggestive. In the event that the office is crippled by lack of funds the Director would be the sole judge of what inquiry to omit.

In view of the condition which thus arises I am frank to confess that I have been very much disturbed over it, feeling that the Director of the Census would believe that his work for the coming year would be seriously impaired.

Senator CULLOM. You think you can not get along without the additional \$125,000 to carry out the scheme or purpose which seems to have been provided for by the act itself?

Mr. ROSSITER. I think that is a correct statement, sir. That is exactly the situation we would be in.

Senator CULLOM. There are some portions of it that you desire to have immediately available?

Mr. ROSSITER. Yes, sir; the Director's request to the House was that the appropriation for collecting statistics should be made immediately available.

Senator WARREN. As to all of it or a part of it?

Mr. ROSSITER. I do not know that he qualified the phrase, but as a matter of fact it is only desired in connection with the inquiries upon marriage and divorce and criminal judicial statistics, those being under way. The other three inquiries do not require that the appropriations therefor should be made immediately available.

Senator WARREN. So you want to have it all made available?

Mr. ROSSITER. As I suggest, that is immaterial; if we have it available for use in connection with those two inquiries it is all we need.

Senator WARREN. That would take how much?

Mr. ROSSITER. That amounts to \$150,000. So that amount ought to be made immediately available.

Senator CULLOM. Of the \$525,000?

Mr. ROSSITER. Yes, sir. May I illustrate, Mr. Chairman, as to the practical effect of this? It is the purpose of the office to make all our inquiries by using the clerical force of the office as far as possible. We are doing that in connection with marriage and divorce statistics. But the Director, after a careful study of the subject early in the autumn, considered that a good deal of the divorce statistics could be secured by utilizing the services of county clerks, since we must take the census of every county in the Union. There are something like 2,800 counties, and by utilizing the county clerks in small or rural counties we would avoid traveling expenses and at the same time would have a large number of men working at once instead of a small number of men working for a long time. Evidently good business sense and rapidity of production were involved in that plan. So he opened preliminary inquiries with the county clerks in various counties, and at the present moment there are something like 800 county clerks

in readiness to begin on this work for moderate compensation. We have not money enough left in our current appropriation for this requirement and also to carry the expense of our clerks in the field. Thus if the appropriation is not made immediately available it will be impossible for us to take advantage of the services of county clerks until after the 1st of July, when we might just as well be doing it now. Furthermore, the inquiry is proving so much more expensive than was originally anticipated, as pointed out in my recent letter to the committee, that the allotment from the current appropriation for this work is likely to be exhausted a little before the close of the present fiscal year, so that it is important to have the appropriation made available to avoid the necessity of recalling clerks from the field only to be returned after the 1st of July. This necessity would entail additional expense, which we have not included in our estimates.

Senator WARREN. May I ask about the county clerks? Is it a matter of contract with each one? Is it a matter of per diem, or how do you arrange the compensation?

Mr. ROSSITER. We arrange it in much the same way that we secure cotton statistics in the South. We ascertain the number of days of work which we figure there ought to be, first finding out from the clerks the approximate number of applications for divorce in each county.

Senator WARREN. You allow compensation in such a way that there is no incentive on their part to contract or slight the work, so as to make it imperfect?

Mr. ROSSITER. Yes, sir.

Senator WARREN. The allowance is such, so long as they can conscientiously be well employed, and you pay them for that work?

Mr. ROSSITER. Yes, sir. We started with the idea that this transcribing was worth about so much per case. I think 25 cents. We ask the clerks how many cases there are in their counties, and they make a report to us as to the approximate number of cases on the records of their courts, and we pay the accounts after they have been checked against the schedules finally delivered to the office.

Senator CULLOM. So you can ascertain substantially what it will cost you?

Mr. ROSSITER. Yes, sir; and so that it will not exceed the amount that we figure each clerk has honestly earned at the agreed rate per case.

Senator CULLOM. Is there anything else you wish to suggest, Mr. Rossiter?

Mr. ROSSITER. I do not think so, sir. I think that is all.

The subcommittee (at 1 o'clock p. m.) took a recess until 2 o'clock p. m., at which hour it reassembled.

AFTER RECESS.

MODEL EXHIBIT OF THE PATENT OFFICE.

Francis M. Phelps, William Cranch McIntire, Robert T. Frazier, William W. Dodge, George P. Whittlesey, Arthur Greeley, and S. T. Cameron, a committee representing the Patent Law Association of the city of Washington, appeared; also John Ridout, representing the Union Building Company.

Senator CULLOM. Gentlemen, I understand that you are here on a particular mission to talk to the committee about what should be done with the patent models that are stacked up somewhere in the town here. It has been a question whether we ought to destroy them or whether they ought to be preserved. If you gentlemen are here to be heard I should like to say to you that we want to make the hearing as brief as we can, consistent with a proper consideration of the subject, and I do not suppose that you will all desire to talk. We will now hear whoever wants to proceed.

STATEMENT OF ROBERT T. FRAZIER.

Mr. FRAZIER. Mr. Chairman—

Senator CULLOM. What is your business?

Mr. FRAZIER. I am chairman of the committee on laws and rules of the Patent Law Association of Washington, and we appear in their behalf. The other members of the committee are also present.

Senator CULLOM. You are a lawyer, I suppose?

Mr. FRAZIER. Yes, sir; a patent lawyer.

Senator CULLOM. Well, sir, proceed.

Mr. FRAZIER. Mr. Chairman and gentlemen, we desire to enter our emphatic protest against the destruction of these models, for reasons which we think are absolutely convincing, and which can be very briefly stated.

These models are a part of the public records. They are just as much a part of each patent as the specification or the drawing, and to destroy the model would be, in the first place, a mutilation of that public record. They are of incalculable value to the patent interests and to the public. It is only by the model that oftentimes the invention can be clearly and properly understood. For that reason they are frequently called upon to play an important part in the patent litigation. There is a provision of law which authorizes the Commissioner of Patents to certify the models which are a part of the record, to be used in court. To destroy them, therefore, you will readily see, would be to destroy what is legally and properly evidence before the courts.

I may say, Mr. Chairman, that there are in suits pending at this moment many of these models as exhibits in evidence, of which different members of the committee have personal knowledge, and they can cite to you the instances. If these models were destroyed, it would be impossible to produce in any way the evidence which they stand for.

In addition to their value as evidence they are also of great value in enabling the public—and I use that term in its largest sense—in understanding the invention covered by the patent, of which the model is a part. Especially is this true of the earlier patents, because when the model formed a part, and a necessary part, of each application, it often

happened that the specification or the drawing was not quite so clear and accurate as in later days, and the only way in which the doubt could be cleared was and is yet by an inspection of the model.

Senator CULLOM. Would it interrupt you to ask you a question?

Mr. FRAZIER. Certainly not.

Senator CULLOM. Are many of the models that are preserved models on which patents were not granted?

Mr. FRAZIER. In some cases that were referred to in the report before the committee there were what we call models in rejected cases, but those are not the models which we are now dealing with.

Senator CULLOM. Are they of value to anybody?

Mr. FRAZIER. The rejected models are of no value, in my judgment.

Senator CULLOM. They do not cut any figure in any law suit at all?

Mr. FRAZIER. None at all. They could not be used as evidence.

Senator CULLOM. What proportion of the models that are preserved are models where patents were asked for and failed to be granted?

Mr. FRAZIER. I am informed that they have all been already disposed of, Mr. Chairman.

Senator CULLOM. They have been disposed of?

Mr. FRAZIER. They have all been disposed of. So nothing is preserved so far except the models where patents were granted, which models are in every case legal parts of the patent, just as much, as I said before, as the specification or the drawing, and it seems to me that it is reasonable and fair to say that it would be as just and correct and right and proper to destroy the patented files now stored in the Patent Office, and which are daily used by attorneys and inventors, as to destroy the models. The money value of the models in our judgment can not be estimated.

Senator CULLOM. Are you familiar with the statement made by the Commissioner of Patents to the House committee?

Mr. FRAZIER. I am very familiar with it; we are all, Mr. Chairman; and in reply to his statement we think it only necessary to say that we believe he made it without a due appreciation of the value of the models, and having in view largely the idea of economy, without really properly considering the use, the value, and the character of these models.

Senator CULLOM. He has been a patent lawyer in his time, has he not?

Mr. FRAZIER. Yes, sir. My colleague here suggests to me that, according to his recollection, prior to his appointment as Commissioner of Patents he had never had a case in court—I mean a patent case. He was a solicitor, as I understand it, before that, and had cases before the Patent Office.

I think right at this point, Mr. Chairman, I might attempt to impress upon your mind that there is quite a distinction sometimes to be drawn between an official recommendation and one which proceeds from the outside, from the public, and those more deeply interested. I really believe that the Commissioner was more deeply interested in the question of economy than in the real character of these models.

Senator CULLOM. If he appreciates his office he ought to be considering the general benefits or results to the public in a question of this kind or any other question.

Mr. FRAZIER. I admit that, Mr. Chairman, but I think that, as in all cases, sometimes even the best of us err in judgment. Undoubtedly this is a case in which the Commissioner of Patents seriously erred.

As a lawyer, I simply call your attention to the fact that if there were no other reasons to urge for the preservation of these models the single consideration that they are a part of the public records and made so by law should be sufficient to secure their preservation.

Now, in support of the general statements I have made as to the probative value of these models, I would ask the indulgence of the committee to listen to specific statements from different members of the committee who are personally cognizant of cases in which these models are of a value that can not possibly be estimated, showing that if they had not been in existence it might easily have caused, and may yet cause if they are destroyed, irreparable damage to either one or the other of the litigants.

Senator CULLOM. We will listen, of course, to the members of the committee.

Mr. FRAZIER. If you will pardon me, Mr. Chairman, I should like to call your attention to the fact that this question was up last year, and as I recall it, it was after argument defeated. There is a document, Senate Document No. 158, of this year, which gives the report of the Commissioner of Patents on the subject.

Senator CULLOM. That was presented here, and I had it printed for the use of the committee.

Mr. FRAZIER. You will note in that that the committee which was appointed from the Patent Office to consider this matter reported against the destruction of these models.

Now, if you will allow me, Mr. Chairman, I desire to call attention to provisions which have been eliminated from the bill and which we would like to have inserted by the Senate.

Senator CULLOM. Where are those?

Mr. FRAZIER. On page 118, line 23, of the original print of the bill the words "machinist, one thousand six hundred dollars," occur. We should like to have the words "machinist, one thousand six hundred dollars," restored, and for this reason: That machinist is the model attendant and the skilled man who has been in charge of those models for years—how long I am not prepared to state, but for over twenty-five years.

Senator CULLOM. What salary is he getting now?

Mr. FRAZIER. It is the same salary. The House simply dropped it out.

Senator TELLER. He was a \$1,600 man?

Mr. FRAZIER. A \$1,600 man.

Senator TELLER. And you say he ought to be left in?

Mr. FRAZIER. He ought to be restored.

Senator TELLER. Why?

Mr. FRAZIER. As a model attendant. He is in charge of the model hall.

Senator TELLER. He ought to be a man who understands models?

Mr. FRAZIER. He is the man who has had charge of them and who is now in charge of them.

Senator CULLOM. You simply want to have him put back?

Mr. FRAZIER. Put back. Of course, if your honorable committee and the Senate should decide to restore the provision for the rent of the Union Building where the models are stored and to entertain favorably our protest against the elimination that has been made by the House, it will be necessary to have the proper force in charge of the models, and this machinist at \$1,600 is the head of the model room.

Senator CULLOM. He has nothing to do except to take care of them?

Mr. FRAZIER. To take charge of the models and keep them as is now done. His duties are to care for the models and to keep a record of them; and I believe there is a statute, section 484 of the Revised Statutes, which requires the Commissioner of Patents to provide a hall for the preservation of the models and suitable help to care for them.

Senator WARREN. Mr. Frazier, I see from the testimony before the House committee that they have 5 employees at \$1,000 and 10 at \$800. This machinist is in addition to those?

Mr. FRAZIER. He is in addition; he is separate.

Senator WARREN. That makes \$13,000 a year, and you want a man at \$1,600.

STATEMENT OF FRANCIS M. PHELPS.

Mr. PHELPS. If you will just pardon me a minute, Senator, I think I can clear that up a bit. The Commissioner of Patents made that statement to the committee at the hearing. Then when he got back to the Office he found that the model attendants, who were so classified, were not having anything to do with the models and were acting as clerks. You will find in the bill, as it passed the House, that they were restored by an amendment on the floor of the House and put back not as model attendants, but as clerks.

Senator WARREN. What I am trying to get at is whether that is the force which is required to take care of these models?

Mr. PHELPS. No; as a matter of fact they have nothing to do with them. The force that takes care of the models consists of Mr. Gill, at \$1,600, two laborers at \$480, and one clerk at \$720. That is the entire force which has charge of the models, or which has anything to do with them.

Senator WARREN. So instead of \$13,000 it would be about \$3,000?

Mr. PHELPS. Yes, sir.

Senator WARREN. This machinist would be in charge?

Mr. PHELPS. Yes; the machinist at \$1,600.

Senator WARREN. That would be about forty-odd hundred dollars?

Mr. PHELPS. It would not be quite as much as that—two at \$480, one at \$720, and one at \$1,600.

Senator WARREN. And then a machinist?

Mr. PHELPS. No; the machinist is the man at \$1,600.

Mr. FRAZIER. It would be \$3,280.

Mr. PHELPS. Those are all who have anything to do with the models.

Senator WARREN. You do not have a \$1,600 man and also a machinist?

Mr. PHELPS. No; the \$1,600 man is a machinist.

Senator CULLOM. We have been paying a pretty heavy rent to keep models that some people say are of no account.

Mr. PHELPS. I do not think anyone who has had any large amount of practice in the courts has ever made any such statement as that.

Senator CULLOM. What I want to get at especially is whether in keeping these models in such a position that they can be of use to the public, if they are worth anything, we can find some cheaper place in which to keep them.

Mr. PHELPS. Possibly so.

Senator CULLOM. With less rent than we are paying now.

Senator WARREN. In this connection may I ask a question? I notice here in Mr. Irelan's testimony he says "we have had requests from

the Smithsonian Institution for a portion and from some educational institutions for portions of that exhibit when they were to be distributed. The Smithsonian Institution being in Washington and being of a public nature, would it answer the same purpose if they were stored there?

Mr. PHELPS. No, sir.

Senator WARREN. As far as evidence and as far as examination are concerned?

Mr. PHELPS. No, sir; because they would not then be in the custody of the Patent Office. The minute they go out of the custody of the Patent Office the Commissioner can not certify to their correctness or as to whether there have been any changes made in them—whether, in other words, they are the original records. If they are out of his custody he has no control of them, and they would be absolutely worthless from the day they were transferred to the Smithsonian or to any industrial or educational institution.

Mr. FRAZIER. That would be a violation of section No. 484, would it not?

Senator CULLOM. The point I was getting at was not that they should go to the Smithsonian or any other building in control of some other Government official, but whether the Commissioner of Patents could not place the models in some other building still under his control which would enable the Government to get cheaper rent for taking care of them than we are paying now.

Mr. FRAZIER. The question as to what rent shall be paid is a matter, of course, that we can not answer. Our chief and main concern is that there shall be provision made for the storage of the models, and as to what rent shall be paid—

Senator CULLOM. I understand, of course, that you can not tell exactly.

Mr. PHELPS. I might say, as answering partly that question, that when the models were moved from the Patent Office, where they were until 1893, over to the Union Building, it took between \$7,000 and \$8,000 to move them. There are, in addition to the models, the enormously big, heavy iron and wooden cases. I understand that they were moved at a cost of about \$7,000, and I also understand that the contractor who did the job lost very seriously on it. That amount would have to be figured in.

Senator WARREN. Wall room is used for the cases, and also floor room?

Mr. PHELPS. No; they are all in cases.

Senator WARREN. There is floor room that has to be kept for cases all the time?

Mr. PHELPS. Yes; with an aisle between them about 3 feet wide, and the subjects are grouped. It is an exhibit; but as a matter of fact, when you go over there to get a model Mr. Gill lights a candle and you go down dark and devious ways, and finally come just to the right spot.

Senator WARREN. I wanted to know whether you had to have a well-lighted building or whether the models could be stored in a basement or in dark places.

Mr. PHELPS. If stored where there is dry storage and where they would be accessible, that is all. All we care about is to be able to get them when we want them.

Senator WARREN. The weight is not great?

Mr. PHELPS. Yes; it is very great.

Senator WARREN. The wall space is not only used, I understand, but cases are arranged through the center of the floor.

Mr. PHELPS. With only passageways of not over 3 feet between them.

Senator WARREN. It requires strong floors?

Mr. PHELPS, Yes; and I do not know of any building around the Patent Office of sufficient size and strength that you could get for cheaper rent than the Union Building.

Senator WARREN. Suppose it was a mile away?

Mr. PHELPS. In addition to the necessities of attorneys, a member of the board of examiners in chief told me that there is hardly a day during the hearing of a case that they do not have one or more models from there to determine the question as to whether a certain construction was shown in the patent or not.

Senator WARREN. That is what I want to know—the necessity for these models on the part of the Government; and next to that, for the accommodation of the public, how frequent is the travel to and fro.

Mr. PHELPS. There is a statement from one member of the board, and from my own experience when I was in the office during the eight years there, I should say that once in two weeks I personally had use for a model. After they were put over in the Union Building instead of being in the Patent Office I did not use them quite so much, because it was farther to go to get them.

Mr. FRAZIER. I should think it would be fair to say that they are in daily use, some of them

Mr. PHELPS. Oh, yes.

Mr. FRAZIER. And that there is daily travel between the Patent Office and the model hall for the purpose of inspecting models.

Senator CULLOM. How many patent lawyers have you in this town?

Mr. FRAZIER. About 250 or 300.

Senator CULLOM. Are they all unanimous in the opinion that these models ought to be preserved?

Mr. FRAZIER. I am satisfied that they are. So far as I have been able to ascertain, everyone has expressed the same opinion unhesitatingly.

Mr. PHELPS. And very emphatically.

Mr. FRAZIER. I do not think I am overstating it to say that if the committee desired to ascertain the sentiment of the patent profession throughout the country there would be but one answer.

Senator CULLOM. You were not before the House committee?

Mr. FRAZIER. No; I did not have the honor to be there. I was absent from the city.

Senator CULLOM. None of your members were there?

Mr. PHELPS. No one from outside.

Mr. FRAZIER. No one from outside.

Mr. PHELPS. In reply to your question as to the sentiment of patent attorneys, I might say that when this question came up before the Secretary and the Patent Office last summer there was a protest made in favor of keeping the models over during this year, and I have been informed that there were between six and seven hundred letters filed with the Secretary and the Commissioner. I saw those letters this morning, and it was a bundle rolled up in a roll 8 or 10 inches in diameter—simply letters of protest from everybody.

Senator CULLOM. Senator Teller has been Secretary of the Interior and is now on this committee. I should like to have him ask you such questions as may occur to him that will give us some light on this subject.

Senator TELLER. I do not know that I have anything very much to say about it. The whole question turned heretofore upon whether the models were worth the expense of keeping them. Personally I have always objected to their being destroyed, believing that they would be useful. But the committee seemed rather strongly last year in favor of getting rid of them, with the idea that some of the extremely old ones, perhaps, might be selected and disposed of. Personally I thought they ought not to be disposed of. I believed that they would be not only useful in cases of litigation, but I thought they might be necessary; and I thought that as an object lesson they were worth keeping—

Mr. PHELPS. Well worth keeping.

Senator TELLER. If we could make some arrangement for putting them where the public could see them. My idea was to erect a building down here somewhere on the lower side of Pennsylvania avenue, if possible, suitable for their exhibition and to keep them under the control, of course, of the Commissioner of Patents. But I think the sentiment of the committee, particularly on the House side, has been pretty generally toward economizing in the matter—the House more so than the Senate.

STATEMENT OF WILLIAM CRANCH McINTIRE.

Mr. McINTIRE. Mr. Chairman, may I give you an illustration?

Senator CULLOM. Certainly.

Senator WARREN. You were one of the committee that made the examination?

Mr. McINTIRE. Yes, sir.

Senator TELLER. Mr. McIntire is a patent attorney here.

Mr. McINTIRE. In one case alone in which I am interested now, a Court of Claims suit against the Public Printer by the Curved Electrotype Plate Company for profits in the use of an invention shown to be not less than \$28,000 a year (and that is the amount of money the claimants are suing for), the defendant in that case—the expert—told me in my presence and in the presence of our committee, within the last three weeks, that the only possible defense the Government has got through him is an old model in the model room on G street, and that without that there is no possibility of defense on the part of the Government. I have been in quite a number of cases myself, personally, where either the sole defense or the best defense was in a certified copy of the original model from the Patent Office.

I wish to say, while I am on my feet, in just a moment, that the value of these models is not only as evidence for which they are made by law competent, but they ought to be referred to oftener than they are by the examining corps of the Patent Office. In saying that I answer Senator Warren's question as to the frequency with which that building should be visited. As has been stated to you, in many of the old patents the mechanical drawing was not as perfect as it is now. Many of the drawings show just the construction in general, and frequently patents are now permitted to go out of the Patent Office due to the

single circumstance that the examiners do not have the opportunity or, having the opportunity, do not avail themselves of it sufficiently, to examine those models. We are constantly having patents issued on devices that are old in themselves.

The models are a part of the public record and ought to be retained for all time.

As Senator Teller said, not only is that so, but they are an object lesson. Further than that, if they were to be destroyed, as was contemplated by the bill last year, applications would be made for an entire art. For instance, in the sewing machine art application was made to be permitted to purchase every one of the sewing machine models. What would be the net result of that? A large corporation manufacturing sewing machines would acquire possession of every particle of evidence in that art. They could patent what they pleased afterwards, if it was not shown in the drawings and described in the specifications, and if anybody sued them they would have entire control of the evidence in the matter. So it would be unfair to the public to destroy them.

So far as the exhibition is concerned, it is an object lesson. We are appropriating every year large sums of money for old mud-dauber works and hieroglyphics and everything else to educate and interest the people. The models in the Patent Office are quite as interesting, sir, and particularly to those people interested in the art of manufacture in this country.

I want to be very fair, but I do not think the Commissioner of Patents had the slightest idea of the value of these models as record evidence when he made that statement before the committee of the House. I think, like many other Commissioners of Patents, the Commissioner of Patents has been imbued with the idea that each succeeding Commissioner of Patents must show in the records of the Treasury Department a bigger profit, like a wholesale or retail grocery store, than his predecessor, whereas, as a matter of fact, last year there was a surplus of \$273,000 over and above the entire cost of the patent system; and up to the present time there has been covered into the Treasury, taken from the pockets of the inventors of the country, over \$6,000,000. Yet we are here simply asking that the records which these inventors have made, public records of this country, shall be preserved for their benefit as well as for the benefit of the public.

Senator CULLOM. In view of your statement of the amount covered into the Treasury, would you think that patents should be a little cheaper?

Mr. MCINTIRE. That is another question. I do not think the inventors are kicking particularly about that; but what the inventors are after particularly is to get expedition of work in the Patent Office, proper work in the Patent Office, and proper custody of their records. It seems to me that under all the circumstances they are entitled to your very favorable consideration.

Senator WARREN. May I ask one question? You were on that committee and I see you discussed the matter of rental. Perhaps the rental of \$19,500 might have had something to do with the committee looking unfavorably on a continuance. You have arranged the current year to rent at \$10,000. Do I understand that that is merely an emergency rental and that they propose to put it back higher, or have you assurance that if we wish to retain the building it can be rented at \$10,000?

Mr. McINTIRE. No, sir; that will not be the case. It was my suggestion when before the Patent Office, representing this association (and that was one of the avenues of escape that I suggested), that the appropriation of only \$10,000 having been made, and the owners of the building having no possibility of renting it for any other purpose during the fiscal year, as business men they would probably be disposed to accept \$10,000 for the current year rather than have their building idle, and I took it upon myself to say that I would see the secretary of that company and see what could be done. As the result of my interview with him he consented to accept the amount of the appropriation for that year, but with the distinct understanding that it was not as reduced rental.

Senator WARREN. There was not only that definite understanding, but there is a written protest, I see, over the signature of the president of the Union Building Company.

It would not be possible for the Union Building Company to execute another lease for these three floors at less than \$19,500 per annum. Should the Department desire to retain them in the future we would be glad to have such recommendation made to Congress as would restore the original rental price.

Mr. McINTIRE. That is a late letter.

Senator WARREN. Do I understand it is a sine qua non that if we keep the models we shall pay \$19,500 rental?

Mr. McINTIRE. That is taken from Mr. Parker's statement.

Senator WARREN. It is from these owners that you have some further information?

Mr. McINTIRE. I have no further information.

STATEMENT OF JOHN RIDOUT.

Mr. RIDOUT. If you will permit me, I represent Colonel Parker and I can answer the question of the Senator. He instructed me to say that they could not possibly afford to reduce that rental. That clears up any question on that subject. As will appear by the Senate document, that rental represents 35 cents a square foot. The Government is paying to-day, as a rule, 70 cents. So, taking that as a basis—and the committee will find that computation in Colonel Parker's letter, which Senator Warren has in his hand now—

Senator WARREN. The computation here is that that is less than 35 cents a square foot and that the Government is now getting it at about 18 cents a square foot.

Mr. RIDOUT. That is a fact. I think you will also find, Senator, that he says 70 cents is the current rate the Government is paying.

Senator WARREN. Seventy cents might be the current rate, but the Government is not paying that for a great deal of the room rented.

Senator CULLOM. It is paying less than half that on some buildings.

Senator WARREN. I do not know why it would not be wise to provide for the storage of the models in some new building on some main street or square frequented by hundreds daily. There ought to be some place to retain them where the rent will be cheaper.

Senator TELLER. The Government has received a large income out of the patent business.

Senator WARREN. That is true.

Senator TELLER. Friends of the Patent Office have been for years insisting that the Government should erect a building to take care of

the business. Some such a building could be built and kept up out of the profits.

Senator WARREN. Have we not room, possibly, in the new building for the Museum where, under the control of the Patent Office, the models might be assigned?

Senator CULLOM. I understand that probably some other building will be constructed and that the expectation is to set aside a part of it for this very purpose.

Senator TELLER. When we do that we will not have to pay rent; that is all. But I do not think the question of rent enters into it. The Patent Office is self-sustaining. If it is necessary to take a portion of the funds so received to pay rent and keep these records, it seems to me that it is the business of the Government to do it. Mr. Allen's position is that these models are of no value. He made the statement here at the last session that they were of no value whatever and might just as well be burned up, and he wanted to burn them up. He said substantially the same thing before the House committee. The models show what the state of an art was at that time, and they may be valuable for reference. Take, for instance, the old mowing machine and see the difference between the mowing machine to-day and that of forty years ago.

Senator WARREN. We were met last year with the consideration of the expense required to take care of the exhibit, and that it is overgrown. The point is whether the Government can so arrange the matter as to weed out such models as are useless and get a place where the rest may be kept with less expense to the Government.

Senator TELLER. There is trouble when you come to consider the uses. Go back to the mowing machine. The first mowing machine when I was a boy was exceedingly crude. Step by step it got to be a machine very valuable to the farmer, and I do not believe that we have yet got the best machine that can be made. I believe somebody will produce a better machine. That is true of almost every industry. You have better machines now than you had fifty years ago, and there were better machines thirty years ago than fifty years ago, and so on.

No man can say that any art has reached its perfection. For that reason a man who wants to make an improvement goes back to the beginning and follows it up, and by and by he discovers something that would be very likely to improve the last and the best.

I wish to insist on this fact, that as long as the people of the United States, the men who use patents, and, in fact, the men who invent and apply for patents, are paying the expenses of the Patent Office, and it is no expense to the Government, the Government ought to take the money and use it in the interest of the patents.

Senator WARREN. But see what the Senate did last year.

Senator CULLOM. Senator Teller rather gave the impression that we were in favor last year of burning up these models.

Senator TELLER. I did not refer to all of the committee, but particularly to the other side of the Capitol.

Senator WARREN. This committee made an entirely different provision, but it went out in conference.

Senator CULLOM. We provided for rental at \$19,500, just as we had done before.

Senator WARREN. But we asked for a report, to see what could be done in the future.

ADDITIONAL STATEMENT OF FRANCIS M. PHELPS.

Mr. PHELPS. I wish to suggest to Senator Warren that if anyone is to determine what particular models are useless and what particular models are valuable, it would necessitate that that person be gifted with second-sight and endowed with the ability of determining the value of every invention.

Senator TELLER. I think perhaps I stated it rather strongly that some of the committee were in favor of burning up these models. But members of the House committee were taking that view. I wish to modify my statement in that particular.

Mr. PHELPS. A model might be an old, broken-down, and apparently worthless piece of junk to-day, but to-morrow, because of some litigation and some new question in the art that would come up, it might prove to be of enormous value. I had a short time ago a client of mine who was threatened with a suit on a pipe coupling. I had searched through the patents and I did not find it. Apparently, as far as patents were concerned, it was new. There was, however, one little dotted line across one of the patents that looked a bit suspicious, and I went over to the models and looked at that model, and when I saw the model there was exactly what I was looking for. That model saved my clients from paying damages or profits amounting to about \$20,000, and they did not even have to defend the suit. When the counsel on the other side saw that model he said, "Well, I guess we will not start in on any suits on that patent." Now, there is one case; and there are hundreds.

Senator CULLOM. Now, go ahead, gentlemen, and get through with your remarks as quickly as you can.

ADDITIONAL STATEMENT OF ROBERT T. FRAZIER.

Mr. FRAZIER. If you will allow me, Mr. Phelps's example calls to mind one of recent date in my own practice which very strongly emphasized the fact that it is impossible to select what models we should retain or destroy. I had a case not long ago which was before the examiners in chief on appeal, and it was a fabric—a shirt. The drawing did not show whether the shirt had a seam at a certain point or not. The specifications had not a word about it. All the reference was cited against the application. I examined the specimen on file in the Patent Office, and it showed the seam absolutely beyond a shadow of doubt. If that had happened to have been one of the models selected to be destroyed, my case would have been in a very bad condition.

If you will allow, Mr. Chairman, I know that Mr. Dodge has many cases in which, so far as the court litigation is concerned, the great value of these models has been fully exemplified.

Senator CULLOM. We will hear Mr. Dodge.

STATEMENT OF WILLIAM W. DODGE.

Mr. DODGE. Mr. Chairman and gentlemen of the committee, I did not know until this morning that the hearing was to be had this afternoon, and consequently I have not prepared my data as I otherwise would have done. But one fact I can state. I have at present

probably 12 to 15 patent suits running in different parts of the country. Out of that limited number of cases, and within my own experience, three come to my mind at this moment in which the defendants are relying very largely upon Patent Office models. In one suit in the United States circuit court for the southern district of New York there are five Patent Office models marked as exhibits in that single case, and the defense is relying primarily upon those models. The models are introduced because they make clear, as the drawings and specifications do not make clear to the average court, the construction embodied in the patents.

I have another case in the southern district of New York—*Wyckoff, Seamans & Benedict v. The Wagner Typewriter Company*—in which there are models from the Patent Office, sent up there under the custody of the Patent Office, to be used at the hearing and to explain to the court what the actual construction is.

I have another case we are now taking proofs in. Mr. Watson, of this city, is on the other side. He has introduced two, if not three—I am not positive whether it is two or three—certified copies of models, and he has made uncertified copies of a couple of other models from the Patent Office for the same reason.

The fact is that all the courts can understand at a glance from the physical embodiment of any mechanical idea what are the construction and operation, but there is not one court in five, I think I may say with perfect conservatism, that readily comprehends a drawing, even when supplemented with a good, clear description and well-drawn claims. That idea has been expressed over and over again by the courts and by the court practitioners. I will call the attention of the committee, in this connection, to just a paragraph in the case of *Hoffheins v. Brandt*, a reported case in 3 Fisher, in which the court said:

We must look at the model, which is as much a part of the patent as the specifications and drawings, and which the patent laws require to be preserved—

I direct the attention of the committee particularly to that language—

and which the patent laws require to be preserved to illustrate anything that may be doubtful to the mechanic who undertakes to make the machine from the patent after the patent has expired. For the great object of the patent law is to give activity to the ingenuity of the country, granting an exclusive privilege for seventeen years (as the law now stands), but leaving evidence of the process to all who may thereafter desire to copy it, and leaving that evidence not only to the mind, but to the eye, in the model, for the benefit of the mechanic who comes in after years to make a machine from its pattern.

Then, with reference to the model, he points out wherein these things are found. Again he says—and I call attention to this because it shows that the courts themselves recognize the great value of the model—

I have looked through all these patents very carefully, and have with the same care examined the models. Now, I do not want any expert to illustrate a model to me. I feel myself competent to form my opinion when I see a model. I do feel the great benefit of the testimony of experts when we come to examine and construe the specifications and drawings of patents, for I do not profess to be skilled in the technical language of machinists; but of the models I can judge.

That is a sentiment which is expressed day in and day out by the most learned judges of the Federal courts, before whom the patent causes exclusively come.

I will not read any further, but I will call the attention of this honorable committee to a public document, a Senate document, arguments before the Committee on Patents of the Senate and House of Representatives, ordered to be printed April 3, 1878. This is a public document of the Forty-fifth Congress, second session—Miscellaneous Document No. 50. The committee will find there two very forceful statements, one by Hon. M. D. Leggett, who was at that time ex-Commissioner of Patents, and is now dead, and the other by Hon. Elisha Foote, one of the great Commissioners of Patents, now also dead, in which both of them set forth the great value of the models and the facility with which a court can comprehend a difficult question in mechanics with the model before it when they could not possibly make it out oftentimes without the model.

I went from here to San Francisco a few years ago to argue an appeal before the circuit court of appeals in a patent case. Not until one hour and fifty minutes of the time of the case out of the two hours had been expended did that court ever, in my judgment, have any intelligent comprehension of the real question before it. I do not say that meaning to be disrespectful to the court; I say it because I believe it to be honestly true; but in that last ten minutes, and in about five of the ten minutes, by the aid of four models which I had there, the whole thing was made as clear as crystal. Now, we never could have gotten that intelligently before the court and had that same intelligent comprehension without the models. So I speak from experience and I speak feelingly when I say that those models are of inestimable value.

As has been pointed out, the models are a part of the record, made so by law. To destroy those models, and especially the models of the old patents prepared under the old practice, when they relied upon the models and consequently made the specifications and drawings less full and clear, would be almost a crime. It would be to destroy the best evidence that it is possible to produce as to what was incorporated in those patents.

Senator CULLOM. May I ask you what is the present practice in securing a patent? Do you furnish models, or only drawings?

Mr. DODGE. Rarely models, not unless they are specifically called for.

Senator CULLOM. Why was this change made?

Mr. DODGE. Largely because of the lack of storage space, and because it was thought to be an unnecessary burden upon the applicants. As a result, our patent cases are now prepared with very much greater care as to drawings and specifications. The practice is infinitely more technical than it was prior to the abandonment of the rule requiring models.

Mr. CAMERON. Mr. Chairman, may I interrupt to say that I have had an experience extending some ten years in the Patent Office and ten years out of it? In the early days the drawings that were required were very inadequate. To-day they have to be very accurate; they have to be very full and clear. But because of the fact that in the early days models were always required and because of the fact that they had the models, the drawings were frequently inadequate. The models are therefore as much a part of the records of the patents in the early days when they were required as the drawings are in the patents of to-day.

Mr. DODGE. Just a word more, and then I will yield to some one else.

Reference was made awhile ago to rejected models. A number of years ago when they ceased to require models there was a great accumulation of rejected models in the Patent Office. Up to 1875 rejected cases were cited the same as patented cases, and it was the custom that prevailed for several years after I first went into the work to examine through the rejected models and the rejected applications just as we would go through the patented cases. But in 1875, in view of a decision of the Supreme Court, that practice was discontinued, and the so-called rejected models were scattered through the country in educational institutions, museums, and one place and another. There have been since some models in rejected cases, but the rule has been to notify the parties to call for them. Some are not called for and a few accumulated in the Office. There may be a few of those still there.

Then there are some that were put in there not as models, but as special exhibits to be used at different expositions. Those were put in cases and are still in the Office.

Mr. Gill is the \$1,600 machinist concerning whom inquiry was made. Mr. Gill has been there for thirty-odd years. He knows the location of every one of the models. He knows, I will say, in every instance whether any changes have been made, as in the case of the models that were injured by fire, whether they were repaired and put in order, whether they have ever been out of the Office for any purpose, where they have been, and everything about them. He has a personal acquaintance, I might say, with every model in the Office. His services in that connection are invaluable. That is the reason, primarily, why we ask that he be restored.

Now, just a word in regard to Mr. Allen. I made the suggestion to Brother Frazier when inquiry was made as to Mr. Allen having been a practicing attorney before going into the Patent Office, and I think perhaps I gave Brother Frazier rather a different idea from what I intended. What I would say on that point is that I understand Commissioner Allen was an attorney in practice before he went into the Patent Office; but if he ever participated in the argument of any patent cause at any time I have failed to find his name in connection with the case in any of the reports. He certainly had not been in a great many cases, and so far as I know not in any. That is as much as I care to say on that point.

Senator TELLER. You think that these models are in many cases absolutely indispensable—

Mr. DODGE. I do, Senator.

Senator TELLER. In understanding a case, like the case you mentioned in California?

Mr. DODGE. I do; absolutely indispensable.

Senator CULLOM. I wish to say, gentlemen, that there are gentlemen here representing the Treasury Department who have been waiting for some time to be heard, and so far as argument before this committee is concerned I do not think you need to make it.

ADDITIONAL STATEMENT OF ROBERT T. FRAZIER.

Mr. FRAZIER. Mr. Chairman—

Senator CULLOM. Do you want to say anything further specially?

Mr. FRAZIER. Nothing specially in the way of argument, but if you will allow me I wish to call your attention to two other amendments that we should like to have inserted in the bill.

Senator CULLOM. What are they?

Mr. FRAZIER. On page 118, line 10, the House has amended the original bill by inserting 106 instead of 107 copyists, 7 of whom may be copyists of drawings at \$720 each. We want to have 107 restored for the reason which I will state directly, as it applies also to the following amendment: On page 118, line 14, "forty-eight laborers," as the bill has been amended, "at \$480 each." We desire to have fifty restored.

Senator WARREN. Those are the men who take care of the models?

Mr. FRAZIER. Those are the three model tenders.

Senator WARREN. And three are all who are needed?

Mr. FRAZIER. These three attendants and one machinist, all of whom are employed there now, as I understand it.

Senator CULLOM. We will make a note of what you say.

Mr. FRAZIER. Mr. Chairman, I thank the committee, through you, and yourself for this hearing.

Senator CULLOM. Is there anything further that these gentlemen wish to submit?

ADDITIONAL STATEMENT OF JOHN RIDOUT.

Mr. RIDOUT. I think the subject has been very fully covered, and I do not wish to trespass on the time of the committee. Colonel Parker's letter, to which Senator Warren referred, states the attitude of the company. It can not afford to rent the building at the price named in the former appropriation act. The whole thing is so clearly stated in Colonel Parker's letter that I ought not to trespass on your time.

Senator CULLOM. All right. We are much obliged to you gentlemen.

LETTER OF A. P. GREELEY ON PATENT OFFICE MODELS.

The following matter was subsequently submitted to the subcommittee:

PATENT LAW ASSOCIATION OF WASHINGTON,
OFFICE AND LIBRARY,
515-518 WASHINGTON LOAN AND TRUST BUILDING,
Washington, D. C., January 2, 1907.

SIR: In the matter of the restoration to the legislative, etc., appropriation bill of provisions for the preservation and care of the Patent Office models, in reference to which we appeared before your subcommittee on the 29th ultimo, we beg to submit herewith a letter from Mr. A. P. Greeley, formerly Assistant Commissioner of Patents, and a copy of the report made to the Commissioner of Patents in reference

to the disposal of the models by a committee of the principal examiners, of which Mr. John M. Coit, now one of the examiners in chief, was chairman.

Very truly yours,

ROBT. T. FRAZIER,
Chairman Committee on Laws and Rules.

HON. SHELBY M. CULLOM,
*Chairman Subcommittee on Legislative, etc., Appropriation Bills,
Committee on Appropriations, United States Senate.*

[Arthur P. Greeley, attorney and counsellor in patent and trade-mark causes, Washington Loan and Trust Building, Washington, D. C.]

DECEMBER 31, 1906.

SIR: In connection with the hearing on December 29 before your subcommittee, at which representatives of the Patent Law Association urged amendment of the legislative bill to provide for the model exhibit of the Patent Office, I beg to submit the following memorandum bearing upon the history of these models.

Mr. Allen, Commissioner of Patents, stated before the Committee on Appropriations of the House of Representatives last session, with reference to the models that

If a fire should ever burn them all up, I should consider we are getting rid of a great expense for which we get little value.

This view of the value of the collection of models is directly contrary to the view which has been entertained up to last year by Congress and by the Commissioners of Patents prior to Mr. Allen, and is directly contrary to the view which has always been and is now entertained by all who are informed as to what this collection of models is and what it means as a part of the records of the Patent Office.

Twice in the history of the Patent Office have the models been destroyed either wholly or in part by fire.

The Patent Office fire of December 15, 1836, destroyed all the models which had been filed up to that time, about 7,000 in number.

The Patent Office fire of September 24, 1877, destroyed about 87,000 of the models then on file, about 200,000 in number.

Neither of these fires was regarded by Congress or by the public as anything other than an unfortunate event greatly to be deplored.

After the fire of 1836 Congress appropriated a sum not exceeding \$100,000 to obtain duplicates of such models as were destroyed by the fire of 15th of December, 1836, as were most valuable and interesting and whose preservation would be most important to the public. Of this sum \$88,237.32 was expended. The labor attending this expenditure was very great and extended over a period of twelve years. Some of the models so restored escaped the fire of 1877 and are still in the exhibit.

This appropriation was made after a committee of five had been appointed on motion of Senator Ruggles, of Maine, to examine and report the extent of loss sustained by the burning of the Patent Office. This committee, on January 9, 1837, made an extended report in which

they strongly urged the replacing of the destroyed models as of the utmost importance. Among other things they said:

The Patent Office contained the largest collection of models in the world.

It was an object of just pride to every American able to appreciate its value as an item in the estimate of natural character or the advantages and benefits desirable from high improvement in the useful arts, a pride which must now stand rebuked by the improvidence which exposed so many memorials and evidences of the superiority of American genius to the destruction which has overtaken them.

After the fire of September 24, 1877, Congress appropriated \$45,000 for the restoration of such of the models damaged by the fire as could be restored. This appropriation was made at once and was made immediately available. An additional sum of \$5,000 for this purpose was subsequently appropriated.

It is evident from the appropriations of such sums for the duplication or restoration of models destroyed by these fires that the value of the models historically and as records was clearly recognized and the destruction of the models was regarded as an event greatly to be deplored.

After the fire of 1877 Congress provided for the restoration of the portions of the model hall which had been destroyed by the fire, and new exhibit cases, built of iron and glass, to the number of over 180, each costing about \$800, were provided for the models.

Under the law of 1836, models were required in all cases which admitted of representation by model. By the act of 1870 it was provided that an applicant should furnish a model "if required by the Commissioner."

Models were generally required under the act of 1870 until after the fire of 1877. After that the requirement for models was discontinued except in particular cases.

The models up to 1887 were arranged in exhibit cases which filled the north and east wings of the upper story of the Patent Office building and the gallery of the south wing. The north wing was constructed particularly as a model hall.

In 1887 a portion of the model cases in the east wing were moved into the north wing and otherwise distributed about the building and the space utilized for examiners' rooms. This moving out of model cases from the east wing continued until in 1891 the entire east wing was converted by temporary partitions into examiners' rooms.

In 1893, in order to make further room for the clerical force of the Patent Office, space in the Union Building was rented and a portion of the models, about 80,000, with the model cases, were moved to that building. Subsequently the rest of the models were moved to the Union Building in order to make more room for clerical force and for storage of copies of patents.

It is very clearly shown by the report of Commissioner Seymour for the year 1893 that the models were removed to the Union Building only in order to make room for clerical force and as a temporary expedient only. That such removal would result in their destruction or dispersion was never contemplated, and nothing could have been further from the intention of Commissioner Seymour.

No Commissioner prior to Mr. Allen has expressed any doubt of the value of the models or indicated that the cost of their housing and exhibition was disproportionate to their real value, as was stated by Mr. Allen.

The models at present in the Union Building, some 154,000 in number, are in charge of Machinist Richard C. Gill, a veteran of the war of 1861, who has been in charge of the models since 1871, and to whose care the classification and arrangement of the models is due. Mr. Gill's knowledge of the models has often been of the greatest possible value to examiners and to attorneys making searches to determine the novelty of applications for patent or patents already granted. If, as is proposed by the legislative bill as it passed the House of Representatives, Mr. Gill is legislated out of office, the Patent Office will lose a fund of information which should be of very great importance, and will lose the services of a faithful servant whose earnest devotion to the care of the records entrusted to him can not but be appreciated by all who in years past have been familiar with the work of the Patent Office. The models have furnished the material for the Patent Office exhibits at the Worlds Fair at Chicago in 1893 and at other expositions which have been regarded by the public as not only of great interest but of great value in showing the development of industrial arts in this country. No other country possesses such a collection of models, and it is safe to say that no other country, if it had or could acquire such a collection would consent to its destruction or dispersion. Once destroyed or dispersed no effort could get such a collection together even with the expenditure of an unlimited amount of money.

So far as I can ascertain, the opinion among those who are at all familiar with the Patent Office models is that their preservation as a collection is absolutely necessary to the manufacturing public as a protection against suits upon invalid patents and is of the greatest possible importance from the standpoint of their historical interest.

Instead of being destroyed or dispersed, the Patent Office models should be made more accessible for examination by being transferred to quarters suitable for their exhibition.

The spirit which would cause the destruction or dispersion of the Patent Office models is the same spirit which led to the burning of the Alexandrian Library by the Saracens, and can be prompted only by ignorance, willful or negligent, of their value and importance.

Very truly, yours,

A. P. GREELEY,
Late Assistant Commissioner of Patents.

Hon. SHELBY M. CULLOM,

*Chairman Subcommittee on Legislative, etc., Appropriation Bills,
Committee on Appropriations, United States Senate.*

REPORT BY COMMITTEE OF PRINCIPAL EXAMINERS ON PATENT OFFICE MODELS.

UNITED STATES PATENT OFFICE,
Washington, D. C., July 25, 1906.

SIR: The committee appointed by you to consider and report upon matters connected with the disposition of the models in accordance with the provisions of the appropriation act for the year ending June 30, 1907, has the honor to submit the following report:

Under an order issued by you the various primary examiners are now engaged in examining the various models—157,000, more or less—stored in the Union Building, with a view to making reports to this

committee as to which, if any, models relating to the class of inventions under their control may be disposed of without serious detriment to the public service. Pending the receipt of such reports, which will be considered by this committee in making its final report, the following suggestions are respectfully made:

Your committee finds it practically impossible to establish any standard or guide by which to determine the relative importance of the various models, and after several meetings, at which the matter was thoroughly discussed, a decided majority of the committee is of the opinion that if possible none of the models which form part of a patent should be disposed of if it is in such condition as to be useful as a record.

There are, of course, some models which through accident or age have become so mutilated as to serve no useful purpose as a record, and these may well be disposed of. There are also about 2,500 models filed as exhibits, but not made a part of the record of any patent, and these should be disposed of.

A hearing was given by this committee to a committee of the Patent Law Association, of Washington, and a copy of the proceedings at that meeting is attached hereto, since the importance of retaining the models as evidence and as parts of the official records was clearly set forth by that committee. Each and all of the members of said committee urged most strongly the great hardship, loss, and jeopardy of rights if any of these models were destroyed or should pass out of the hands of the Patent Office. The committee cited many instances within their own knowledge where valuable patent property rights had turned upon the fact of the model; some of the cases of recent date in the courts having hinged upon a model filed as early as 1861. We are informed that suits are now pending wherein models in the possession of this Office constitute material evidence vital to the interests of the parties. There seems to your committee no way of determining which models will be of importance in the future, for no human being can say authoritatively, but that a model which seems of the least importance to-day may be of the greatest importance to-morrow. The records show that in the last three months, immediately preceding this report, nine orders for reproduction or certified copy of models have been received by this Office and filled, and there is thus shown to be a present demand and necessity for the models as record evidence in patent litigation.

Attention is respectfully called to the fact that the models form as much a part of the record of the patent to which it relates as do the papers filed in the case.

In the year 1836 all of the records of the Patent Office of every kind were destroyed by fire. Subsequently Congress enacted a new law which provided for the examination of applications, and which is fundamentally that in existence to-day. Until about 1880 each application when filed was accompanied by a working model or specimen. Since then models have been required in cases where a model was deemed necessary. The models of rejected applications were returned to the applicants or otherwise disposed of, and most of the others were applied to the patents as issued, and these, according to the report of the Commissioner for 1880, numbered at the time nearly 240,000. Of these, by the fire of 1877, about 86,000 were destroyed. There are now, as has been stated above, about 157,000 models.

In the early history of the law particularly, in many instances the drawings were sketchy and incomplete, and reliance for the disclosure of details was placed upon the model. They are therefore not mere duplicates, but supplemental disclosures. The model therefore became an indispensable part of the record of these earlier patents. It is, of course, so to-day. These models therefore become valuable aids in deciding the right of the public with relation to present-day inventors, or, in other words, in accurately defining the limits of industrial property which has passed into public possession. They are in this respect the boundary marks of the public industrial domain.

As has been indicated above, copies of various models, or sometimes the models themselves, have been used as testimony in suits in the Federal court. They thus, it would seem, become part of the records of such courts, and it may be seriously questioned whether any model so used could be allowed to pass out of the control of the Commissioner of Patents without destroying or vitiating such court records.

In view of your committee's opinion that all of the record models which it is possible to retain should be retained, an investigation was made to determine if it is possible to retain most of the models without exceeding the appropriation made by Congress for rental of quarters. After investigating the matter your committee is of the opinion that if the facts in the case are presented to the owners of the Union Building, viz, the desire to retain intact all of the applied models and the lack of appropriation sufficient to pay the rental heretofore paid for the three floors now occupied by the Patent Office, the owners would be willing to accept a sum not exceeding the amount appropriated, \$10,000, for the fiscal year ending June 30, 1907, for the said three floors.

Your committee suggests that by disposing of the unapplied and dilapidated models and by securing quarters for the balance for the sum appropriated by Congress for the purpose both the spirit and the letter of the provision in the act of Congress will be complied with.

Respectfully submitted.

JOHN M. COIT, *Chairman.*

HON. COMMISSIONER OF PATENTS.

STATEMENT OF J. H. EDWARDS, ASSISTANT SECRETARY OF THE TREASURY.

J. H. Edwards, Assistant Secretary of the Treasury, and James K. Taylor, Supervising Architect of the Treasury Department, appeared.

MR. EDWARDS. Mr. Chairman, it has been heretofore the practice of the Department to select sites, design, and erect buildings through the same office—Supervising Architect's office—and then turn the buildings over to our chief clerk's office to furnish both the furniture and electric lighting, fixtures, and everything for the interior. We have come to the conclusion that both from an artistic standpoint and for practical results, it would be better to transfer the force now employed on the latter-named work to the Supervising Architect's office and have him construct and furnish the building in its entirety.

SENATOR CULLOM. To what point in the bill do you refer?

MR. EDWARDS. Page 39, chief clerk's office.

SENATOR TELLER. Have you a plan there?

MR. EDWARDS. Yes. It does not involve any additional expense.

SENATOR TELLER. You propose a transfer from what office?

MR. EDWARDS. From the chief clerk's office to the Office of the

Supervising Architect. The chief clerk has been caring for all the buildings throughout the United States after they have been furnished and occupied and has his hands pretty full, and we think from both a practical and artistic standpoint it would be better to have all this work done by the Supervising Architect's Office.

Senator TELLER. Does this have the approval of the Secretary of the Treasury?

Mr. EDWARDS. Yes, sir; he asked me to come here and explain it to the committee. It will involve a transfer of 10 clerks and 1 assistant messenger from the office of the chief clerk to the Supervising Architect, and we would, with your approval, establish a new position, a superintendent of furniture and fixtures, who would have sole charge of all furniture, electric lighting and gas fixtures, and burglar-proof protection.

Senator TELLER. And he would be in the Architect's Office?

Mr. EDWARDS. He would be in the Architect's Office. Two of these men, both of whom are experts in electrical lines, we would suggest be transferred to the Supervising Architect's Office, to be paid from his "lump sum" appropriation.

Being paid from this "lump sum" appropriation they can be used in other lines of work in the Supervising Architect's office. That would cut down the regular legislative appropriation for the chief clerk's office \$2,250 and \$1,800, in all, \$4,050, the salaries these two men draw, and they would be paid from the lump sum in the Supervising Architect's office.

Senator TELLER. It would come out of the appropriation for the buildings?

Mr. EDWARDS. It would be apportioned to each building appropriation. It would make a difference of \$4,050.

Senator TELLER. They are now paid out of the regular fund?

Mr. EDWARDS. Yes; they are paid out of the regular appropriation—the specific appropriation for the chief clerk's office.

Senator CULLOM. How much would you make out of the transfer?

Mr. EDWARDS. The Government will save by it, because we will have to take that out of the appropriations already provided for.

Senator CULLOM. The Government appropriates for a building and then you take out a sum for this purpose?

Senator TELLER. There is a certain sum taken out by this bill which is prorated from all the buildings.

Mr. EDWARDS. We are not going to ask for any more, but under this saving of \$4,050 we should like to have a superintendent at \$2,750.

Senator TELLER. You are not going to get any reduction?

Mr. EDWARDS. Four thousand and fifty dollars less \$2,750 would be a net saving to the Government of \$1,300, because the \$4,050 comes out of the sums already appropriated. Besides this service they will perform work in other directions.

Senator TELLER. Have you drawn up the item so that we can insert it?

Mr. EDWARDS. I have a memorandum here which we will put in the form of a letter, but I wanted to explain it to the committee.

Senator WARREN. Would that result in the men who would be paid from a lump sum receiving a higher salary?

Mr. EDWARDS. I should not be surprised if the pay of these two men would be increased a little, because we are having trouble with all the technical men on account of their receiving offers from outside.

Senator TELLER. What are they paid now?

Mr. EDWARDS. Twenty-two hundred and fifty dollars, and \$1,800, respectively. I think Mr. Taylor's proposition was to make their salaries \$2,400 and \$2,000, respectively.

**STATEMENT OF JAMES K. TAYLOR, SUPERVISING ARCHITECT
OF THE TREASURY DEPARTMENT.**

Mr. TAYLOR. Mr. Chairman, I may be allowed to say that we have already had refusals of five engineers in the last three weeks to come to our office at the salary we were ready to offer. We are losing engineers almost every day. If that keeps up we will not be able to get out the bill you gentlemen passed last winter, because we will not have the engineers to do it. We can get architectural men, but we can not get engineers.

Senator WARREN. How are you fixed about superintendents?

Mr. TAYLOR. We have plenty of those.

Senator TELLER. You can make those?

Mr. TAYLOR. We can make those.

Senator TELLER. You can not make an engineer.

Senator CULLOM. What is your judgment about the transfer?

Mr. TAYLOR. We have been in favor of it for years, strongly in favor of it.

Senator CULLOM. It gives you immediate control of the whole subject?

Mr. TAYLOR. Yes; it makes the complete building. It does what a private individual will do. He completes his house, finishes it and furnishes it, and then rents it. We will do practically the same thing. We finish it and then furnish it and then turn it over to the Government to occupy.

Mr. EDWARDS. It would be turned over to the chief clerk, who is an administrative officer of the Department.

Senator WARREN. How much, if any, supervision will then be exercised by the chief clerk over the custodians?

Mr. EDWARDS. He has sole supervision—that is, after the building has been completed. Our plan is to finish the building and completely furnish it and turn it over to the officers in that city, and then it will be under the control of the chief clerk. All the chief clerk has to do then is to see that it is cleaned out properly.

Senator WARREN. Then he has charge of it from time to time, if a breakage occurs or if some new requisition comes in and some addition is wanted?

Mr. EDWARDS. Yes, sir.

Senator CULLOM. Does not the Secretary of the Treasury ever have any control over it afterwards?

Mr. EDWARDS. Oh, yes; except in the case of post-office buildings.

Senator CULLOM. It will be under the control of the Secretary of the Treasury?

Mr. TAYLOR. Of the Secretary of the Treasury. I am simply a subordinate of the Secretary of the Treasury.

Senator TELLER. The Supervising Architect's Office is a division of the Secretary's office.

Senator CULLOM. Is that all you desire to call our attention to, Mr. Edwards?

Mr. EDWARDS. Yes, sir.

Senator CULLOM. Mr. Taylor, would you like to say something about the matter?

Mr. TAYLOR. No; there is only one thing I would ask the committee to do. Mr. Cleaves tells me that you have been kind enough to consider that \$50,000 increase, making \$300,000 for next year. We have asked for the same thing for this year in order to carry out our plans. That will come in the deficiency bill.

Mr. EDWARDS. I did want to ask for an increase for these two electrical experts, and if you will give us the extra appropriation to complete the buildings we will put them right on.

Senator TELLER. Do you think you might have to pay \$2,600 to keep the man?

Mr. EDWARDS. Not \$2,600; but if he was getting \$2,000 and was offered \$2,500 outside he would probably stay under the Government for \$2,250, because the extraordinary building operations outside may end some day, and he figures that the Government will go on forever. We shall put this in the form of a letter and transmit it to you Monday morning.

Senator CULLOM. All right; put it in as definite a shape as you can.

Mr. TAYLOR. It might be apropos for me to say to the committee that the three engineers I spoke of left us in the last month. To one of them we were paying \$2,500, and he went out at \$5,000 and an interest in the business. The next one went out at \$2,200, and he is getting \$3,000, with an interest in the business.

Senator WARREN. We could not give an interest in the business. We get no income from our Government business.

Mr. TAYLOR. That may be, but I was just showing the necessity for raising the salaries of these men.

Senator CULLOM. There is trouble, no doubt, in holding on to good men at a reasonable price.

Mr. TAYLOR. Certainly.

The subcommittee, at 3 o'clock and 15 minutes p. m., closed the hearing and resumed its session.

FRIDAY, *January 4, 1907.*

The subcommittee met at 11 o'clock a. m.

Present: Senators Cullom (chairman), Warren, Wetmore, Teller, and Daniel.

STATEMENT OF CHARLES A. STILLINGS, PUBLIC PRINTER.

The CHAIRMAN (Senator Cullom). Mr. Stillings, in the statute which we passed last year it was provided that—

The Public Printer shall submit for the fiscal year 1907, and annually thereafter, estimates for all clerks and other employees, additional to the foregoing, who are required in the executive or administrative offices of the Government Printing Office.

You have been acting under that law, I take it?

Mr. STILLINGS. Yes, sir.

Senator CULLOM. Just go on and tell us what you have done and what you think you ought to have in the way of appropriations for your department.

Mr. STILLINGS. In complying with that paragraph I presented to the House committee a schedule for \$148,970, explaining at the time that I had to force it; that it would take from eight to ten months more to finally reorganize the office and to resystematize it, so that the whole of the legislative force could be provided for. They decided that I ought to submit that portion which I felt would be permanent and this is the result. The original schedule covered all of the various items.

Do you want to have me explain what the Deputy Public Printer means, and items of that kind, and to go right through that part of the bill item by item?

Senator CULLOM. Yes; I think you had better pursue that course.

Mr. STILLINGS. I will start right in then, with your permission, with the Public Printer. In presenting the schedule I rated the Public Printer at the same salary as heretofore. The committee seemed to feel that the work of that bureau was fully as heavy as that of other bureaus receiving greater recompense, and voluntarily raised that item to \$6,000.

Senator WETMORE. Without any suggestion on your part?

Mr. STILLINGS. Yes, sir. For the salary of the Deputy Public Printer \$3,600 is asked. Under the present printing law the chief clerk, who is now in the legislative bill at \$2,750 per annum, becomes during the absence of the Public Printer the Acting Public Printer.

Senator CULLOM. Who is he?

Mr. STILLINGS. Capt. H. T. Brian, formerly foreman of printing. He has been chief clerk for some three years. An examination of the duties of the chief clerks in other Departments shows that they receive somewhat higher recompense, but in addition to their designated duties they have a general supervision of buildings. In fact, the chief clerk is really a sort of an executive officer and the right-hand man to the Public Printer. After more or less discussion over the point it was suggested that he be raised in dignity from the position of chief clerk to that of Deputy Public Printer, in order to enable the Public Printer to go more into the details of the plant and to have less of the routine work on his hands.

Senator TELLER. Is it intended to have the same man who is now chief clerk?

Mr. STILLINGS. Kindly examine the paragraph further down on page 23, which provides that—

The office of Deputy Public Printer shall be filled by the selection and appointment by the Public Printer of a person skilled as a practical printer and versed in the art of bookbinding, and who shall perform the duties heretofore required of the chief clerk, have supervision of the buildings occupied by the Government Printing Office, and perform such other duties as may be required of him by the Public Printer.

Senator WETMORE. Hereafter there would be no longer any chief clerk?

Mr. STILLINGS. He would be Deputy Public Printer and chief clerk.

Senator WETMORE. Under a different title?

Mr. STILLINGS. Yes, sir.

Senator WARREN. There will be no demand for a chief clerk in addition?

Mr. STILLINGS. No, sir. There will be no chief clerk, practically.

Senator CULLOM. Ought there not to be one?

Senator WETMORE. This man takes all the duties?

Mr. STILLINGS. He takes the duties of chief clerk..

Senator TELLER. The paragraph reads in line 21—

and who shall perform the duties heretofore required of the chief clerk.

Mr. STILLINGS. Yes, sir.

Senator TELLER. In addition to that, what is he going to do except that in the absence of the Public Printer he will act as Public Printer?

Mr. STILLINGS. In our office the term "chief clerk" has been somewhat of a misnomer, in a way, owing to the nature of the work. Being a factory, the chief clerk has to be thoroughly conversant with the nature of the work in hand, so as to be able to answer inquiries from Congress and from the Departments. The work has grown to such magnitude and there is so much detail to it that it has to be handled through the chief clerk's office with his assistants. On the other hand, on the system we are putting in now we are changing the clerical methods in some particulars, to permit of more accurate records and quicker and more conservative action in general. There are many places where the chief clerk, if he were relieved from the detail which he has now, might take a great deal of the routine work which the Public Printer has charge of, and enable the Public Printer to go more thoroughly into questions of cost of manufacture, like Congressional Record, departmental reports, patent specifications, Patent Office Gazette, Census Bureau work, various kinds of job work, and matters of that nature, and give personal attention to the cost of manufacture and the changing of price schedules to suit actual conditions.

Senator WETMORE. What other officers will take the duties he will be relieved of?

Mr. STILLINGS. The purchasing agent who is provided for further down, in line 15:

Chief inspector and purchasing agent, \$3,600.

Senator CULLOM. That is a new office?

Mr. STILLINGS. The chief inspector is an office authorized under the sundry civil appropriation act for cleaning out the old machinery and supplies, etc., classifying and getting it into shape. It appears that there is so much work to do at this point—the term "chief inspector" was taken by some of the force of employees to mean inspector of employees, a watchdog, so to speak; but the duties of the chief inspector were not intended to cover these features and do not follow along those lines. Chief inspector means more particularly inspecting the methods of manufacturing, inspecting the efficiency of the machines, securing data and information for the Public Printer regarding new machines which may be offered and which are guaranteed to save expense in handling work, or as advisory officer to the Public Printer in re-equipping the plant wherever it may be necessary. It is to save contracts being made in a haphazard method, through pressure to get something in a hurry to meet some particular immediate requirement. This bill gives the Public Printer two assistants at \$3,600 each, one of them Deputy Public Printer and the other chief inspector.

Senator TELLER. Your general assistant will naturally be your deputy?

Mr. STILLINGS. Yes, sir; on general administrative matters.

Senator TELLER. Then the inspector comes in as a third man?

Mr. STILLINGS. Yes, sir; it will be his business to keep in touch with the new methods. Perhaps I may illustrate that a little more clearly if you will allow me just a moment. I found in examining the yearly contracts that some items purchased under yearly contract could be purchased to better advantage in the open market with less restriction, and that it would be of advantage to the Government to follow that plan. The only way to know what is best to do on matters of this nature is to keep in touch with the market prices from time to time, and thus determine whether at the end of the year there is really a gain or a loss by the contract method. Some items we found, owing to conditions of the market, that it did not pay to be tied up on. It takes a man of discretion and a knowledge of the market conditions to do that work, and a careful man who does the work properly can save his annual salary in the first quarter of any fiscal year. I felt that for the best interests of the office, entirely outside of any personal feeling of my own, such a man would be a safeguard and protection to the Government.

Senator CULLOM. You are referring now to the chief inspector?

Mr. STILLINGS. Yes, sir.

Senator CULLOM. I observe that you say nothing about your own salary, but you propose to increase the salary of the chief clerk as Deputy Public Printer from \$2,750 to \$3,600, and that the House allowed. That is Mr. Brian?

Mr. STILLINGS. Yes, sir.

Senator CULLOM. And you increase the salary of the superintendent of documents from \$2,750 to \$3,000; of the Record clerk from \$2,000 to \$2,500; of private secretary from \$2,000 to \$2,250; a chief inspector you create at \$3,600; a foreman of presswork at \$2,500; a superintendent of supplies at \$2,500. Do you not think that you are going a little steep on salaries in these cases?

Mr. STILLINGS. In the first place, the private secretary to Mr. Palmer did a great deal less work than my secretary does, having less detail work to do, and \$2,250 is small pay for the work my secretary has to handle. While I do not use previous compensation as a guide or precedent in this case, yet the fact remains that the present private secretary is obliged to work with his assistants ten or twelve hours a day, and sometimes longer. I felt that in view of the service he is rendering, compared with that of other officers of the office, he is worth that advance. He is receiving \$2,000 at the present time.

The officer preceding the present superintendent of documents received \$3,000. The sale of documents being low and the expenses high, when I put in the new superintendent of documents, I felt authorized to pay a salary of only \$2,000. It is within the discretion of the Public Printer, under the law, to pay him a proper salary. I gradually increased his salary as his departmental sales increased.

The sales of his department last year were something like \$17,000. Within six months after he got the work well in hand the sales increased at the rate of \$40,000 per annum, and to-day are running at the rate of approximately \$50,000 per annum, although the returns on some days are on the basis of \$100,000 per annum; the sales of the department are constantly increasing.

Senator TELLER. Of what are those sales made up?

Mr. STILLINGS. Government documents of all kinds.

Senator WETMORE. You sell them at an increase of 10 per cent over the cost?

Mr. STILLINGS. We are ordered under the law to sell them at cost.

Senator WETMORE. You charge 10 per cent additional?

Mr. STILLINGS. No, sir; 10 per cent on any material or stock we use in handling the work for our customers, but not for the completed work. The superintendent of documents is receiving now \$2,750 per annum, and I increased the salary to \$3,000 per annum, feeling that, with the present sales (as a great deal of the increase was due to his own energy and his close attention to and interest in the work), he was worth fully that sum to the Government.

Senator WETMORE. How does it happen that the sales have increased from \$17,000 to \$50,000?

Mr. STILLINGS. We went at the matter of sales, to obtain increased returns, as near as we could operating under the present printing law, to see to it that the general public knew that the documents were available at the Government Printing Office. Many hundreds of thousands of documents were piled up, and, not being catalogued, were not available for sale. Consequently when a request came in we could not find the document in question, or it would take too long to get at it, and we would write that we could not supply it. We are now getting the documents classified and indexed, so that we can find them just as one can go to a library and find books quickly.

Senator WARREN. Do I understand that the public generally get these documents at cost?

Mr. STILLINGS. Yes, sir.

Senator WARREN. It has not been long since I wanted to have some speeches printed, and they added 10 per cent to the cost. Do you sell to the public at cost, or what is the rate?

Mr. STILLINGS. Yes, sir; on documents, under the law, we charge the public at cost, covering all items except typesetting and electroplates, which are in every case deducted, as these documents are a portion of a large issue for which typesetting and plates have already been charged and paid for, or are "reprints" from those plates. On all work for customers, chargeable against appropriations, we add 10 per cent to the cost of the paper stock or material; that is, on the items we have to go out and buy we charge 10 per cent. We have regular scales of charges for the labor of the office; on all sales to private individuals, however, under the law, we charge 10 per cent advance on all items of cost, including labor.

Senator WARREN. Am I mistaken in the impression that I have seen a circular in the last year or two from the Printing Office containing a statement that speeches are printed at cost and 10 per cent added?

Mr. STILLINGS. Speeches, which are (in most if not all cases) for Senators and Members of Congress, are, under section 37 of the printing law, sold at cost; that is, charged on regular schedule rates, as regards labor and cost of paper, etc., with 10 per cent added to the item of paper only; the result is accepted as being the "cost"; a private individual is charged 10 per cent on both paper and labor (see section 42 of the printing law).

Senator TELLER. I know that in some cases you can go into town here and get speeches printed cheaper than can be done at the office.

Senator WARREN. In one case I had a speech printed in New York for less than half the cost estimated at the Government Printing Office. I do not think the work was so well done as at the Government Print-

ing Office, but the cost was less than one-half. In other words, it was \$5 and something a thousand in New York and, if memory serves me right, it was something like \$12 at the Government Printing Office. That was some years ago.

Another point occurs to me that I should like to ask you about. In computing the cost of printing a document you compute, you say, the actual flat cost of material and add 10 per cent to it?

Mr. STILLINGS. Yes, sir.

Senator WARREN. Then you figure the labor?

Mr. STILLINGS. Yes, sir.

Senator WARREN. At just what you pay out?

Mr. STILLINGS. No, sir. The present scale, which is the scale operating when I first took charge and which I am about to change, contemplated the following: The average charging rate per thousand ems of type is 70 cents a thousand straight matter. Every page of type matter that was put up was figured on that basis.

Senator WARREN. How do you make up the 70 cents?

Mr. STILLINGS. It is the actual payment to the compositor, plus the proper proportion of cost of the administrative charges, fixed expenses, etc.

Senator WARREN. When you say "administrative charges" do you allow, as you would if you were a business corporation, anything for insurance?

Mr. STILLINGS. No, sir.

Senator WARREN. Do you count anything for use of capital?

Mr. STILLINGS. No, sir.

Senator WARREN. Do you count anything for wear and tear of machinery?

Mr. STILLINGS. Yes, sir; we count for that.

Senator WARREN. And nothing for the cost of insurance and capital?

Mr. STILLINGS. No, sir; we have not those items to consider.

Senator WARREN. I want to get at how you make up the cost. Of course we all understand that Government cost is supposed to mean just one thing—that is, what you pay out. But when it comes to figuring the cost in manufacturing it is a matter of how it is figured. Cost to my mind means the cost of all these commodities, the use of the money, and the insurance that is necessary, and taxes, if paid. The wear and tear of replacing material, putting the plant where it was when started. All these enter into the cost.

Mr. STILLINGS. Yes, sir.

Senator WARREN. Now, I want to see how much the Government is deducting from that in furnishing the public on this per cent basis. I understand that they are not deducting from that any insurance charges; they are not deducting from that anything for the use of capital, and I suppose, of course, the same is true as to taxes.

Mr. STILLINGS. Yes, sir.

Senator WARREN. And as to cost of plant?

Mr. STILLINGS. Yes, sir. If you will permit me, I should like to explain just the condition I found there and what I am doing to remedy it. Perhaps I will make myself a little clearer and show you what we will do when we get the prices right.

Years ago Mr. Benedict put in a bookkeeping system in the office, and I think it was a good one as far as it went. At that time, based on the current rate of wages, there were charging scales prepared, which, in the course of time, have become theoretical instead of actual.

because of improvements in machinery, increases in wages, etc. To illustrate, a job came up awhile ago from one of the bureaus, and our estimate was something like \$9,000. The bureau chief got stirred up over it and he sent out to three different commercial printers for prices. The highest estimate he received for that job was about \$6,000; the lowest was about \$5,200. Rather than create chaos at the office by changing the present system until I had the remedy ready, I have gone on with it until I could put in something better. This particular matter did not come to my attention until after the bids had been secured.

We have never allowed any concessions to the flat-bed cylinder press rate on account of rotary press work, printing rolls of paper the same as newspapers. Yet a rotary press will do in some cases five times the work that a flat-bed cylinder press will do, and consequently there is a large saving. On this particular job I figured it on a rotary press and took the job for \$5,250, or something like that, as against our original estimate of about \$9,000.

That illustrates how we are changing our scale of charges to suit the actual conditions under which the work is produced. The theoretical charge is unjust to the customer. It is equally so with Congressmen's speeches.

I asked you in the sundry civil appropriation bill and you kindly granted the permission to install a cost system. A compositor at a case is very different from a compositor at a machine; that is, a compositor setting 1,000 ems an hour at \$4 a day and a machine operator setting 3,000 ems an hour at \$4.50 a day. The machine product is very much less in price. That is what is being worked out to a point where I can render estimates which will be in accordance with the cost of the work and not theoretical. It is a long job. It is just like tearing down a building and putting it up again. When I finally get that cost system right I will be able to submit to you the basic cost of Government printed matter, whether handled on the machine or by hand.

Commercial printers figure the cost of composition on the basis of the actual cost of the man's time, plus the lost time, to which is added the proper proportion for office expenses and fixed charges. It is generally conceded that you receive from 45 to 50 per cent of a man's time actually; the balance is "lost time."

Senator WARREN. Is there as much percentage of loss as that?

Mr. STILLINGS. Yes, sir; in the printing business.

Senator WARREN. In making that computation you cover matters of leave and holidays?

Mr. STILLINGS. Yes, sir; that item will be provided for.

Senator CULLOM. You do not narrow it down to 40 per cent of the time the man is at work, but of the whole day?

Mr. STILLINGS. No, sir. Take, for instance, the typesetting machines, the linotype machines. We will take four hours. We know by experience that it will run very closely to costing a dollar and a half an hour on machines.

Senator WARREN. It will run ten hours as against four whichever way you wish to figure it?

Mr. STILLINGS. Yes, sir. We know that man has taken four hours on that machine at that rate. A dollar and a half per hour covers the cost of foreman, proof reader, of pulling proofs, of messengers, and other necessary items. It is our business to find out what basis per month or per quarter or three months the cost of operating the

machine is. Then if wages go up we charge more, a proper advance. If they go down we deduct accordingly, or, based on twelve months' experience, we arrive at an average charge, which is as accurate as can reasonably be secured for all practical purposes.

It is my hope that before the 1st of May we may have a rebate on some of these charges, and then I will be able, before the end of the calendar year—probably before the end of the fiscal year—to give you a series of basic rates from which you would know how our prices are constructed.

While we do not take into account rent—we have no rent to pay—taxes, or insurance, yet, of course, those are legitimate items.

Senator WARREN. Depreciation is legitimate.

Mr. STILLINGS. Depreciation is perfectly legitimate. If we put the office on the same basis as a commercial plant, our price is bound to be higher, because there is a higher wage scale, and we have conditions that a private contractor would hardly count on, where work must be done in a hurry at night and at all times. We are able to come pretty close to commercial competition, however, because we have not the expense of collecting money, we have no salesmen out on the road, it does not cost anything to sell our goods, and I believe we will bring our charges down very closely to average commercial prices.

Senator TELLER. I was just going to ask you why you do not bring down the price. Why should Mr. Gibson or some one else down here be able to furnish a Senator's speech, for instance, at half the price the Government is furnishing it for, unless either your work in the office is costing too much or you are charging the Senator too much?

Mr. STILLINGS. There was no system when I went there.

Senator TELLER. The instance I refer to occurred some years ago.

Mr. STILLINGS. It holds true to-day just the same. You can take a speech and go out and get lower prices from three houses here; but you will not be able to do that after the next few months; at least the average price of three reliable commercial printers will compare very favorably with ours.

Senator WARREN. I make no personal complaint. I make very few speeches, and the printing does not amount to very much, but I must say that I was rather astonished where the difference was more than 100 per cent, although I grant that the stock is usually inferior; the margin on the pages will be less and there are some things of that kind in favor of the Government work. But these do not anywhere nearly account for the great difference. It struck me that perhaps they were not very careful about figuring the cost. I do not complain of that, but if it is costing the Government twice as much to do this work, we know that what you say is true to some extent, that you pay more probably for help. But you do not charge anything off for insurance, for taxes, for the use of money, and that ought to more than make up the difference.

Mr. STILLINGS. I believe it will, Senator.

Senator WETMORE. When you say that you pay more for your help, do you mean when you consider the thirty days' leave of absence and sick leave, or independent of that?

Mr. STILLINGS. No, sir; independent of that. To illustrate, the average typesetter will not receive in New York City over \$21 a week. We pay a flat rate of \$24 a week. There is in that one item alone a difference of \$3 a week. In Washington the rate is \$18 a week, a difference of \$6 a week.

Senator WARREN. This job work is a class of work that you try to do in the daytime when it can be done on the most favorable terms?

Mr. STILLINGS. Yes, sir; except that it is good management, if a first-class day and night force can be secured, to operate for sixteen hours a day. We pay 20 per cent extra for night work. It is a fact, substantiated by actual observation, that the actual extra expense for night work is reduced to less than 10 per cent for the reason that there is less distraction at night. Customers do not come in to get work out and force you to change plans for work already in hand. So the net actual cost of night work under careful management is very little in advance of day work. It enables us to get our work out more quickly. The men employed in creating and installing the cost system have been at work now for three months. All the necessary blanks have been prepared, and the system will go into effect probably by the 15th of this month, as nearly as possible. In three months from the time the system starts to operate we shall know from actual observation what the conditions are and what the costs are in each division of the office.

It will further enable us to arrange the force so that they can be relieved from those employees who are incompetent. If we have 100 men and copy is cut up into takes and 4 men are slow, there is just as much extra waiting for proof as it takes those 4 men longer to do the work; they will hold up the whole job. By a system that is haphazard we can not pick out this man and that man, but with a system of records such as we are now preparing foremen are given information which will enable them to handle the employees properly.

Senator TELLER. You mean by that to select expeditious people who will go right along with the work?

Mr. STILLINGS. Yes, sir; if you have to carry three, four, five, or even ten incompetent men you keep back the force to which they are attached just that much. At the present time, so far as the output is concerned, there is a large saving in the cost of production, as is shown by the expenditures every month. We are doing considerably more work.

Senator TELLER. Of course there is a greater demand to hurry up the printing of bills than anything else.

Senator WETMORE. What is the total force?

Mr. STILLINGS. It is to-day 4,015 regular employees. During the session of Congress we have from 165 temporaries upward.

Senator WETMORE. Is that included in the 4,015?

Mr. STILLINGS. No, sir; they are extras who will be dropped at the end of this session of Congress. They are simply to safeguard the Government against delays during the heavy demand on account of Congressional printing.

Senator WARREN. How many extra employees do you have?

Mr. STILLINGS. Approximately 165, although during January we shall increase by about 80 or 90 more for a short time only.

Senator WARREN. One hundred and sixty-five then covers the difference between the amount of work during the session and the amount of work at other times?

Mr. STILLINGS. Approximately, at this particular time.

Senator WARREN. I find it has been larger than that.

Mr. STILLINGS. It has been in past years; whether due to an increased output at that time or to reduction in the volume of printing

at this time, it is difficult to say. The fact remains that the employees at the present time are doing (in a majority of cases) splendid work. I know it by the daily returns; I know it by some individual observations that I have made; and this will enable us to reduce our scale of charges to come very close to the average commercial charge.

Senator CULLOM. Mr. Stillings, in the item for watch force is the amount appropriated by the bill the price you have been paying, or how has that force been provided for heretofore?

Mr. STILLINGS. They have always been carried in the sundry civil bill. The day force receive compensation at the rate of \$2 a day, which would be \$730 per annum, for 365 days. The night force, that is, the force which comes on at 4 o'clock in the afternoon and the force that comes on at 11 at night, have always received a 20 per cent increase, in accordance with the law which grants 20 per cent extra to employees on night work at the Government Printing Office. A comparison with other bureaus and departments, more particularly with the Treasury Department and the Bureau of Engraving and Printing—

Senator WARREN. Before going into that let me state that a memorandum has been sent to the committee or some of its members in which the statement is made as to the actual earnings of watchmen heretofore. For one class it has been \$837 per annum, for another class \$985 per annum, and for another \$1,000 per annum. Keep that in mind as you go along.

Mr. STILLINGS. Yes, sir; and I apologize to the committee in that I am wrong in the statement I just made. Seven hours of the day are figured at the day rate with one hour plus 20 per cent, which brings it instead of \$730 to \$821.25. If you have a copy of the hearings before the House committee I will show you the table.

Senator WARREN. It is found on page 54.

Mr. STILLINGS. On page 54, the last item, the Government Printing Office, it is shown that at the present time we have seventy, of whom those in the column marked "men" the salaries are \$821.25, \$964.82, and \$985.50. The notes say "average wages per annum of day shift." "Average wages per annum of afternoon shift." "Average wages per annum of night shift."

Senator WARREN. Yes, that means average wages per annum. Nine hundred and sixty-four dollars and eighty-two cents is the average wages per annum of the afternoon shift and \$985.50 is the average wages per annum of the night shift. Do you run them that way, that one man is on all night and another man is on during the day, or do you change them about?

Mr. STILLINGS. We can change them about, but it creates a great deal of dissatisfaction. They like it better not to change, because the man who is used to coming to work at 11 o'clock at night finds it hard to change his sleeping hours. If you will sum it up you will find that in other Departments they are rated at \$720 with the exception of the Department of Justice and the Capitol.

Senator WARREN. The duties at the Capitol are a little different, are they not?

Mr. STILLINGS. I understand them to be so. I have been asked whether the duties of these watchmen are any different from the duties of watchmen at the Bureau of Engraving and Printing or at the Treasury, and I could not find anything in our office that would place

any greater demand or risk on the men than they had in other departments. The watch force was incorporated in the legislative bill as a part of the running expenses of the building.

Senator WARREN. Are your watchmen uniformed?

Mr. STILLINGS. Yes, sir; at their own expense.

Senator WETMORE. Are they in the other departments?

Mr. STILLINGS. Some few of them.

Senator WARREN. A large percentage of them are not uniformed. I notice quite a number here in this table who are uniformed. For instance, the watchmen in the Treasury Department, the watchmen in the Library of Congress and the Capitol, in the National Museum, the Bureau of Engraving and Printing, and at the navy-yard are uniformed.

Senator WETMORE. What is the cost of a uniform to a man?

Mr. STILLINGS. Something like \$22.50 for the suit and \$2.50 or \$3 for the cap. The whole cost is inside of \$30.

Senator WETMORE. And an overcoat?

Mr. STILLINGS. No, sir.

Senator DANIEL. Mr. Stillings, you say, on page 55 of the House hearings:

We have three shifts of eight hours each.

Do you keep any man more than eight hours?

Mr. STILLINGS. No, sir.

Senator CULLOM. Mr. Stillings, last year we had a good deal of talk and controversy over the question of the appropriation for photolithographing, plates, and illustrations for the Official Gazette. The item is on page 118 of the bill, in the appropriations for the Patent Office. As I remember it we appropriated \$130,000, did we not?

Mr. STILLINGS. Yes, sir.

Senator CULLOM. I see that it is some \$30,000 more than that amount in the bill now. How is that?

Mr. STILLINGS. That was because the number of pages of the Gazette are running more than were estimated last year. They are running heavier already the first six months.

Senator CULLOM. They are enlarging the Gazette, you mean?

Mr. STILLINGS. Yes, sir; there are more patents running, there are more trade-marks going through, and that makes more illustrations.

Senator TELLER. Simply more sheets? You have not changed the size at all, I suppose?

Mr. STILLINGS. No, sir. We have been able to get it out on time, and I understand that the Commissioner of Patents is satisfied with the quality of the work and service.

Senator WARREN. Is this extra \$30,000, over 20 per cent, required for the Gazette?

Mr. STILLINGS. It is estimated for the coming year if the quantity of patents keep up to the present pace, in order to come out without a deficit, but it is no increase on our part.

Senator WARREN. I want to know, if not in size, whether the increase is in the number of pages alone?

Mr. STILLINGS. Yes, sir. There is no increase in our rate. In fact, if we are able by economy to reduce the rate at any time we shall do so voluntarily.

Senator TELLER. Do you think, leaving out the increase in the number of pages, etc., that you are doing it as cheaply as you anticipated you were going to do it?

Mr. STILLINGS. Yes, sir. I have been very much gratified to find that it comes within the figure.

Senator TELLER. The increase is simply from the natural growth of business?

Mr. STILLINGS. Yes, sir.

Senator CULLOM. You are using the money necessary, according to the amount of work you do, just as you anticipated?

Mr. STILLINGS. Yes, sir.

Senator WARREN. You are using the money on the very basis you told us you would use it a year ago?

Mr. STILLINGS. Exactly.

Senator TELLER. And that money comes out of patents?

Mr. STILLINGS. I understand that to be the case.

Senator TELLER. If the patents increase in number, of course the amount will increase. Still it is paid by the people who get the patents?

Mr. STILLINGS. I presume so.

Senator CULLOM. Let me make another inquiry about the disposition of documents in the building. Are you aiming to set up a special store there for the sale of documents to everybody in the country?

Mr. STILLINGS. No, sir; I am not going to take on anything more than what is actually necessary, but the law gives us certain documents to take care of. The Departments have sent us documents voluntarily, and in some cases we have requested them to do so. Departments have sent to us their documents for sale, in order that we might centralize them at one point. In the meantime we had a collection of what might be termed old stock, some of which we know to be absolutely worthless, which we have no authority to destroy, and we have other documents that we believe, if the public knew we had them, they would be very glad to purchase.

Senator CULLOM. Would you not be overrun with applications for the purchase of books there so that your general business would be interfered with?

Mr. STILLINGS. No, sir; the superintendent of documents is really a bookseller so far as this matter is concerned, and his is an entirely separate division.

Senator CULLOM. How many people has he under him?

Mr. STILLINGS. At the present time approximately sixty regular employees, which, as soon as the stock is all taken, probably by the 1st of May, will be reduced, unless, of course, the sales continue to increase as rapidly as they have been doing recently.

Senator DANIEL. He has sixty people engaged in selling books?

Mr. STILLINGS. No, sir; in preparing and classifying the stock. You see the regular stock, the accumulation of years was piled up in the ware-rooms and badly mixed up. I authorized some temporary clerks from the civil service at \$50 a month each to go over and classify the stock. The superintendent of documents was also authorized to take an extended trip to principal business centers in the East and Middle West visiting the different publishers, and as a result of his observation a system has been devised by which the stock can be classified at the least amount of expense.

Senator DANIEL. Give us a specimen of it. What is the stock?

Mr. STILLINGS. We will take, for instance, the different Year Books of the Department of Agriculture, or the Diseases of the Horse.

Senator DANIEL. They come back to you from men who do not distribute them?

Mr. STILLINGS. Yes, sir; they come from the House and Senate document and folding rooms, and from different Departments. We have the Nautical Almanac. We have publications from the War Department. We have odds and ends of different publications.

Senator WETMORE. Are those remainders that come to you?

Mr. STILLINGS. Yes, sir.

Senator WETMORE. Not what each Member is entitled to, but remainders over?

Mr. STILLINGS. Yes, sir; remainders over.

Senator DANIEL. He dies or quits and has not distributed his books.

Senator TELLER. A good many Members and Senators never distribute the documents to which they are entitled. After a certain time if the books are not distributed they go into the general fund. For instance, if I do not distribute my books during this Congress and some little time after, then I lose my control over them.

Senator WETMORE. I do not so understand it.

Senator TELLER. I know we have books to our credit, and if we do not take them within a certain time they cease to be to our credit; they are wiped off.

Senator WETMORE. I do not understand that that is the case.

Senator DANIEL. I think that is so.

Senator WETMORE. If you release them, that is one thing; but if you do not release them, I think they belong to you forever.

Senator TELLER. No; I think not. If you get them out yourself of course you can keep them always, but if you leave them, in time you lose control over them.

Senator WARREN. What I want to ask is whether in the apportionment we made for the heads of Departments, anything comes to you. For instance, publishing, we will say, the Year Book for the Agricultural Department, placing a large number at the disposition of the Secretary of Agriculture, and another work with the Secretary of another Department, do any of the Secretaries give you practically the whole apportionment sent from the Printing Office and then send their request for copies there?

Mr. STILLINGS. No, sir.

Senator WARREN. It is only the overflow that you get there?

Mr. STILLINGS. Yes, sir.

Senator WARREN. Do we understand then that they are books that are two, three, and four years old?

Mr. STILLINGS. In some cases.

Senator WARREN. What about the current books? Where do you get the current books to sell?

Mr. STILLINGS. We have the regular allotment which goes to distribution for libraries, and then we have printed a certain proportion for sale. Under the law if a book proves to be a good seller the superintendent of documents can order a reprint for sale. The Code of the District of Columbia has been printed several times.

Senator CULLOM. That is, where there is a demand for it?

Mr. STILLINGS. That is where we have had orders accumulated. Fifty orders accumulate and we order 200 copies.

Senator CULLOM. Does the superintendent of documents send out these documents to colleges where the colleges are put on the list?

Mr. STILLINGS. I do not know that he has any colleges on the list, but we have designated depositories—libraries in different Congressional districts.

Senator TELLER. Libraries and colleges are treated in the same way?

Mr. STILLINGS. He has a regular list under the law.

Senator CULLOM. How much do you pay the superintendent of documents?

Mr. STILLINGS. Two thousand seven hundred and fifty dollars.

Senator CULLOM. He is provided for in this bill?

Mr. STILLINGS. Yes, sir. I have asked for \$3,000. Outside of being a bookseller he has to prepare and catalogue all the Government documents and publish a catalogue of Government documents, which is a very heavy item of expense, requiring great care and accuracy in compiling.

Senator DANIEL. He has clerks to do that?

Mr. STILLINGS. Yes, sir; but he should be a man who understands the business of indexing, or it would not be done correctly or promptly.

Senator CULLOM. Mr. Stillings, is there anything else you want to talk about?

Mr. STILLINGS. Yes, sir. Referring to the superintendent of documents. We put him back to \$3,000. The recent showing of his department has been so good it seems but fair that he should have his earnest endeavors recognized. The Congressional Record clerk, Andy Smith, here at the Capitol, has been invaluable to the office; and, in fact, from his knowledge and acquirements, he has saved us many and many a dollar. I am asking \$2,500 for him, as he is fully worth it.

The foreman of printing we have not increased. He will have his duties minimized somewhat, and I do not feel warranted in asking for any more for him at this time. We did, however, take one of the foremen from the press divisions and, without replacing him, create the position of foreman of presswork, which gives that officer entire supervision of all the presses in the Government Printing Office. Hitherto some of them have been running in an aimless fashion, largely for the reason that the foreman of printing is a man who understands typesetting but not presses, and his duties have been too heavy for one officer to handle to the best advantage.

The foreman of presswork is a man who served his apprenticeship as a pressman and who understands presses thoroughly. He is a specialist with presses. I am paying him now \$2,250. His responsibilities are heavy, and the right man can save the Government many thousands of dollars. This man has saved his salary since he has been in office through the saving of waste and by good management, etc. I have asked for \$2,500 for him.

The office of foreman of binding is provided for by law at \$2,100. The foreman of a commercial establishment of that size would get \$5,000. One of the leading publishers in New York, I understand, pays the foreman of binding that much now. To get a man of the right executive ability he ought certainly to be put in the same class with the foreman of printing and the foreman of presswork. For that reason I have asked for \$2,500, an increase of \$400.

In the office of superintendent of supplies formerly there was a paper warehouse with an official at \$2,000, a storekeeper with a salary of \$1,800, and a bindery storekeeper at \$1,800. I consolidated all those divisions, dropped out the paper warehouse superintendent and the bindery storekeeper, and, instead of having the supplies come in and be received by people in a haphazard manner, now everything comes to the superintendent of supplies and has to pass a board of examiners consisting of three officers before the goods can be issued for use and before the bill can be paid. That insures correct quality and correct count.

The responsibilities of this position are very heavy, and for that reason I felt that this officer is entitled to that sum. He takes the place of two former officers, and I have asked \$2,500 for him, not because of the individual, but for the reason that a man big enough to be superintendent of supplies should have a salary reasonable enough to warrant him in exerting every endeavor to take care of the position and perform his duties properly.

Senator WARREN. How many bonded officers, if any, have you? You are bonded?

Mr. STILLINGS. I am bonded to the Government for \$100,000. The paymaster is bonded to me for \$25,000. All the principal officers and all subforemen are bonded to me in the sum of \$10,000 each.

Senator WARREN. You pay the expenses of that, which, of course, is trifling?

Mr. STILLINGS. No, sir; they pay the premiums on their bonds as I do on mine.

If these positions here on the legislative roll are authorized, I should feel warranted in asking the superintendent of documents to submit a \$25,000 bond. The Deputy Public Printer, if he becomes such, and the chief inspector also should have their bonds increased to about \$50,000 each in order to insure reasonable protection.

Senator CULLOM. Is the superintendent of documents under bond?

Mr. STILLINGS. Yes, sir; \$10,000.

Senator DANIEL. Mr. Stillings, how do the gross expenses of the Printing Office for this year compare with those of last year and previous years?

Mr. STILLINGS. They run considerably less. It is a little difficult to make a comparison with the appropriations made by Congress, for the reason that we are doing work like the Patent Office Gazette from other appropriations; but, perhaps, I may make it clear in this way. Last year we had appropriations amounting to a little over \$6,000,000.

We returned to the Treasury \$800,000, approximately. We purchased machinery to the extent, approximately, of \$100,000, on which we saved considerably over previous prices. We also bought some material for the last fiscal year on which the prices were advancing and on which nevertheless there was a saving. If those two items had been eliminated we would have returned to the Treasury \$1,000,000.

This year Congress appropriated \$5,100,000 in the sundry civil bill and about \$15,000 in the legislative bill. We divided the sundry civil appropriation on the following basis: Twelve equal allotments of \$400,000 each for each month and \$100,000 per month for the three months extra during the Congressional session. That is about the extra cost per month for the Congressional work.

That made in all \$4,800,000, plus \$300,000, or \$5,100,000 in all. The expenses for July run inside of \$350,000; the same for August; the

same for September. The October and November expenses run about \$420,000 each, for the reason that we stock up in those two months instead of ordering spasmodically. The expenses for December were something like \$495,000, so we are running inside of our appropriation.

But here is rather a surprising thing. Last year when we came to close up the account of Congressional printing we found that the number of pages of bills and of the Record, in fact, of all of the Congressional work that was produced, exceeded, by about 10 per cent for that one session of seven months, the entire printed matter of the three sessions of the preceding Congress, covering twelve months altogether.

Senator DANIEL. You say it was 10 per cent in excess of three sessions?

Mr. STILLINGS. Yes, sir; of three sessions.

Senator DANIEL. Owing to the number and magnitude of the bills?

Mr. STILLINGS. Yes, sir; and of the Record.

The Record was very heavy, five or six thousand pages more. We did that more quickly, accurately, and at reasonable cost; less, I believe, than in previous sessions.

I attribute these facts to the care used in the selection of the men.

Senator DANIEL. As I understand you, you printed last year for Congress more matter by 10 per cent than in all three previous sessions?

Mr. STILLINGS. Yes, sir.

Senator DANIEL. And it cost less than all three previous sessions?

Mr. STILLINGS. Yes, sir.

Senator DANIEL. That is a very remarkable statement.

Mr. STILLINGS. A part of it is due to the fact that the work was done on machines; but we had very expert operators—that is, the best men in the business, for we have some splendid men on our linotype machines, especially, and the monotype operators are being rapidly developed.

Senator CULLOM. Are you now using all the machines that were bought?

Mr. STILLINGS. Yes, sir; they are all now in use. Sometimes all busy at one time, and slack at others, but in the main are kept busy.

Senator CULLOM. So it was probably a wise investment?

Mr. STILLINGS. I think it was a very wise investment. The only difficulty is that many of the old hands do not like to go on the machines; the keyboards bother them. I do not know whether under the sundry civil appropriation this concession can be made; the more expert operators are in demand outside, and we find that we are training operators and then they leave for higher wages elsewhere.

Senator DANIEL. Who takes them away?

Mr. STILLINGS. The newspapers. They pay higher prices. We pay a flat rate of \$24 a week. I believe it would be good business policy for us to make one or two ratings on those men and raise them. It would be good business for us. The laborer is worthy of his hire. If those men are doing \$4.50 worth of work per day, and we have many operators who are doing it, I think they should be paid an increase commensurate with their output.

Senator WETMORE. Of course, the saving after this time will not be as great as the saving for the first year?

Mr. STILLINGS. This is not so large an appropriation to work on as

we had last year, but we ought to turn back possibly \$200,000 or something like that.

Senator DANIEL. You turned back \$800,000 last year?

Mr. STILLINGS. Yes, sir. In other words, with the Patent Office work last year we used approximately \$5,000,000, having also a long session of Congress; but with the short session of Congress this year we count on working inside of \$5,000,000. It seems that we can get the system of pruning down closer as time goes on.

Senator CULLOM. You do not expect the present session to cost you \$5,000,000.

Mr. STILLINGS. No, sir.

Senator WARREN. In regard to the 10 per cent, I notice that section 42 of the law of January 12, 1895, provides that—

The Public Printer shall furnish to all applicants giving notice before the matter is put to press, not exceeding two hundred and fifty to any one applicant, copies of bills, reports, and documents, said applicants paying in advance the cost of such printing with ten per centum added.

Mr. STILLINGS. That would apply only to purchases outside of Congressional or Departmental appropriations or allotments. On Departmental and Congressional appropriations we charge 10 per cent on the paper and material only.

Senator WARREN. I notice also that in the sale of stereotypes it is the same—10 per cent. Wherever I notice any sale authorized here there seems to be 10 per cent added.

Mr. STILLINGS. That applies to sales to private individuals.

STATEMENT OF JUDGE CHARLES B. HOWRY, OF THE COURT OF CLAIMS.

Judge HOWRY. Mr. Chairman and gentlemen of the committee, a suggestion was sent down here the other day to the committee (I do not know whether you have the papers before you or not), that on page 159 of the bill from the House an addition be made at the end of the paragraph, line 20. There is an appropriation in that paragraph of \$8,000 for the employment of auditors and additional stenographers in the Court of Claims. The amendment that is suggested is in these words:

For work necessary to be performed the court may designate any person deemed competent by the court to act as auditor or clerk to any judge, notwithstanding the provisions of any other or previous statute relating to the employment of persons by courts of the United States.

The origin of that suggestion grew out of the action of the court during a long illness I had and in my absence. A young man related to me within the inhibited degree of the act of 1888 was designated to act as auditor. He performed a good deal of work. I came back and resumed my work against the advice of physicians at the time, because I was ill for six months, and the character of it may be gained from the fact that I was totally unconscious for a period of six weeks; I simply had a nervous breakdown. When I came back and was informed of this employment I wrote to Chief Justice Nott, and called his attention to the act of 1888. I asked him whether he did not think it was within the inhibition of that statute, and if so to have no embarrassment about it. The person employed was my son, who had read

law, and is a very intelligent fellow, a capable young man. It is a small matter, involving only \$1,200, less than that in fact, because it is only a per diem, and he did not receive pay for Sundays, and he did not receive pay during the summer.

The phraseology of the act is that the court might disburse the amount practically at discretion. They construed the act to give the court the privilege of designating any person they saw fit, and on that line it went on. My son, by reading records to me at night and making notes for me at night while I was oftentimes in a recumbent position, enabled me to be ready with a great deal of my work the next day and to sit in court the next day.

Recently some accounting officer in the Treasury—it has not reached the Comptroller—held up the account and said that he is within the act of 1888. Judge Peelle went down to see the Auditor who held it up and called his attention to the construction given by the court to the act. An appeal is open to the Comptroller of the Treasury, but I had rather do by direction what seems to have been done down there in other cases by indirection, and simply have you amend the statute which makes the appropriation. I am authorized by Judge Peelle to say that in addition to what he has already said over his signature about the matter he will appear before the committee to give his estimate of it and as to what he thinks of its necessity.

Senator CULLOM. Judge, we close the hearings on the bill to-day and the consideration of the bill by the subcommittee, so if Judge Peelle has anything further to submit to us he had better send it up in writing.

Judge HOWRY. It is here, over his signature. I will leave it with the committee.

Senator DANIEL. You submit it as a part of your remarks?

Judge HOWRY. Yes; I submit it to the subcommittee.

The matter referred to is as follows:

COURT OF CLAIMS CHAMBERS,
Washington, October 26, 1906.

To whom it may concern:

It gives me pleasure to state that I have known Mr. Lucian B. Howry for several years. I first knew him as law clerk in the Department of Justice in connection with the defense of depredation and treaty claims against the United States. Subsequently, at my suggestion, my associates on the bench (not consulting Judge Howry) appointed Mr. Howry in the auditing department of the court. As auditor he was engaged in the preparation of cases, in abstracting records and testimony, in making recommendations in said causes, and upon his reports in the cases abstracted and commented upon by him the court acted in conference.

The oldest auditor in the general service of the court especially commended Mr. Howry's work, and during service at the close of the last session of the court I personally found Mr. Howry's work eminently satisfactory.

From my knowledge of him personally and from his uniform courtesy, industry, and attention to business I am fully persuaded that in anything undertaken by him he will discharge the same faithfully and with devotion to the interests of his employers.

Respectfully,

STANTON J. PELLE, *Chief Justice.*

Senator CULLOM. Judge, hand to the secretary of the committee the amendment you suggest.

Judge HOWRY. Very well. I wish to state a reason why I think the Court of Claims is an exception to the other courts of the United States in that behalf. Everything that we do is committed to paper. Every finding of fact is committed to paper. Of course our opinions are written out. We are precluded from writing opinions in a great many cases for want of time. We are in court Monday, Tuesday, Wednesday, and Thursday until practically dark. We adjourn at 4 and go into conference immediately on the work of the day. We are frequently there until night. Saturday is the busiest day we have. I assert that a place upon the bench of the district court of the United States in the average district throughout the country at \$5,000 a year is more to be desired than a place on the Court of Claims at \$8,000 a year. We get \$6,000.

The rules of the Supreme Court require that no opinion can be handed down until we get all the findings of fact. I may illustrate by a case that I have on my desk now some of the difficulties which attend us under that rule. I have an opinion of 13 or 14 pages, involving the repatriation of the Spanish prisoners from the Philippine Islands to Spain under the treaty with Spain and a contract made under it. There are 8 separate and quite important questions in it, 3 of them particularly important, and about which ex-Attorney-General Griggs and the Secretary of State differ. I have had the handling of that case. I should like exceedingly to have the counsel explain to me some of their facts and figures. I am in a great dilemma with respect to making up the account. Yet I have the opinion ready. I can not do as an average chancellor does. I have acted in my State as a special chancellor and I have practiced in the chancery courts.

The bulk of my practice was there anyway. When a chancellor arrives at his conclusions of fact and of law he announces it from the bench in open court and directs the counsel to draw a decree. They prepare the decree. He may sign it or not sign it. He signs it if it is in conformity to his conclusions, and he does not sign it if it is not.

We have not even that privilege in the Court of Claims. I had to notify the bar publicly the other day that I did not want to talk to any lawyer about a case outside of the court room, because that, with the messages that are continually sent there for hurrying the work, become very irritating and annoying to me when I am doing everything I can to speed the work.

The fact that we have to have a record frequently of 500 pages (this particular record is of 600 pages) and out of that labyrinth of facts to extract the ultimate conclusions in the nature of a special verdict imposes extreme labor. Last winter I did my night work in the quietude of my room. In the spring of 1904 there was an unusual pressure of cases, and a great many of them were submitted cases. I broke my health down in attempting to do that work then, and I was forbidden by physicians to resume my night work. It is impossible for me to stay here and not do it or attempt to do it. So I take my records home when a case is submitted or is argued and is assigned to me, or if I differ with an associate as to the conclusions that he reaches, and I have been enabled to prepare my work for the next morning and to sit in court the next day.

Now, let me refer to the case of Judge Lurton, of the circuit court of Tennessee. He is a personal friend of mine, and I was very glad to

see him get the appointment. He complained very much of the labor there as circuit court judge. The Attorney-General of the United States designated a clerk for him, and notwithstanding the act of 1888 the Comptroller of the Treasury held that it was not an appointment by the judge himself, but was an appointment by the Attorney-General, payable out of the fund for miscellaneous expenses appropriated by Congress. I do not think his opinion is sound law, and, as I said, I would prefer not to do by indirection what Congress can do by direction.

But there is another objection to it. We have a very small fund for miscellaneous expenses. We have an auditor's fund. The present chief justice of the court, with whom my relations are most kindly, but with whom I am in constant conflict of judgment with respect to the expenditure of that appropriation, wants to turn a part of it back. He narrows it down. I say it is unwise economy because the time that is saved to a judge, pressed as much as we are, finds its result in the judgments and decrees of the court with respect to the amounts appropriated. We employ sometimes professional men in these great State cases involving seven or eight millions of money and involving records at the State capital of every New England State and the States of Indiana, Wisconsin, New York, and Pennsylvania. We send lawyers to each of those respective States to take and state the account. There are instances where I object to the employment of an auditor, as, for instance, the Cramps brought suits—

Senator CULLOM. You are aware, Judge, that your testimony is being taken down to be submitted to the Senate?

Judge HOWRY. I understand that. The Cramps, who brought suits for damages occasioned by delays of the United States in supplying armor to the vessels that they were constructing under contracts made with the Secretary of the Navy, brought suits for the construction of the battle ships *Indiana*, *Alabama*, and others. We have heard the *Indiana* and the *Alabama*. In those cases the Assistant Attorney-General of the United States, Mr. Pradt, then in office, and the claimant's counsel came into court with an agreement organizing a corps of auditors, three auditors each, to go to the works and take and state the account and make a report. The present chief justice of the court and myself objected to it. We thought that as it was our responsibility we would rather take the labor and do the work ourselves than be subjected to the embarrassment of dealing with a corps of auditors selected for us by the respective counsel. But when I say that, I cast no reflection upon the motive of the Department of Justice in agreeing to it. I state it, though, to show some of the difficulties we are surrounded with and the care that we attempt to put to the work of the court.

The clerk of my court is Colonel Hopkins. He was within the inhibited degree of relationship to the chief justice of the court and stayed there for twenty years. I have just instanced Judge Lurton's case.

Senator DANIEL. How do you mean inhibited degree?

Judge HOWRY. The statute of 1888, which had its origin in a controversy between Senator Manderson, of Nebraska, and Judge Dundee, of that State, prohibited the employment in any court of the United States of any person related to a judge of the court within the degree of first cousin by affinity. The language of the statute is "by affinity

or consanguinity." Nothing was ever said, no criticism, no point was ever made with respect to Colonel Hopkins. Chief Justice Nott has retired, and that question is at an end.

In the case of Judge Ray in a district of New York the Auditor of the Treasury informed me himself that there was employment there, but as the employment had been made before he came into office himself, they construed the act to mean differently from what it meant with respect to appointments made for the future. I can not see any difference. There is no difference, because the act is emphatic and express that no such person shall be employed, and there is no escape from that language.

I am informed—I do not assert it to be a fact, for I may be misinformed—that Mr. Justice Day's clerk, who sits with him and does his work on the Supreme Court, is within the inhibited degree. I think that, outside of the district courts and outside of the special cases I have mentioned, the Court of Claims is in a different attitude in regard to its work than any other court in the country, save and except the Supreme Court. We deal, as I stated, with matters of fact and matters of law entirely upon paper. It requires exactitude and accuracy. I do not want to throw any bouquets at myself, gentlemen, but I want to assert a record fact. There is no judge upon that bench who has as few motions for new trials and as few motions for new findings of fact as I have.

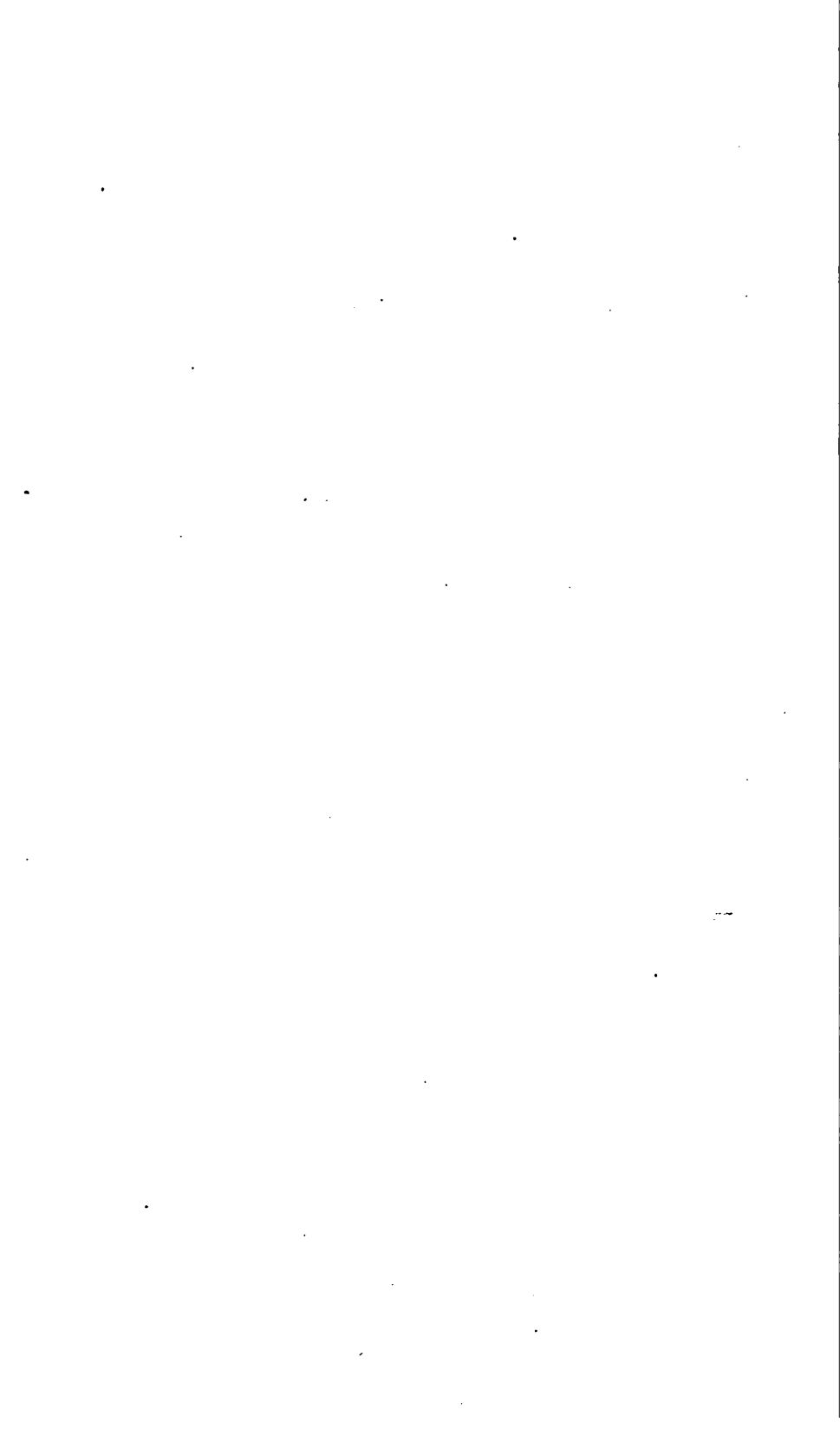
Senator CULLOM. Do you desire to be heard, Judge, on any other question than the one you have already referred to?

Judge HOWRY. No, sir; nothing else. The chief justice authorized me to say that he would submit anything necessary. I do not think there is anything necessary outside of his paper. I do not care to embarrass my associates with proposing anything outside of what is on the face of the statute.

I am much obliged to you, gentlemen.

Senator CULLOM. We were glad to hear you, Judge.

The hearing was thereupon closed.



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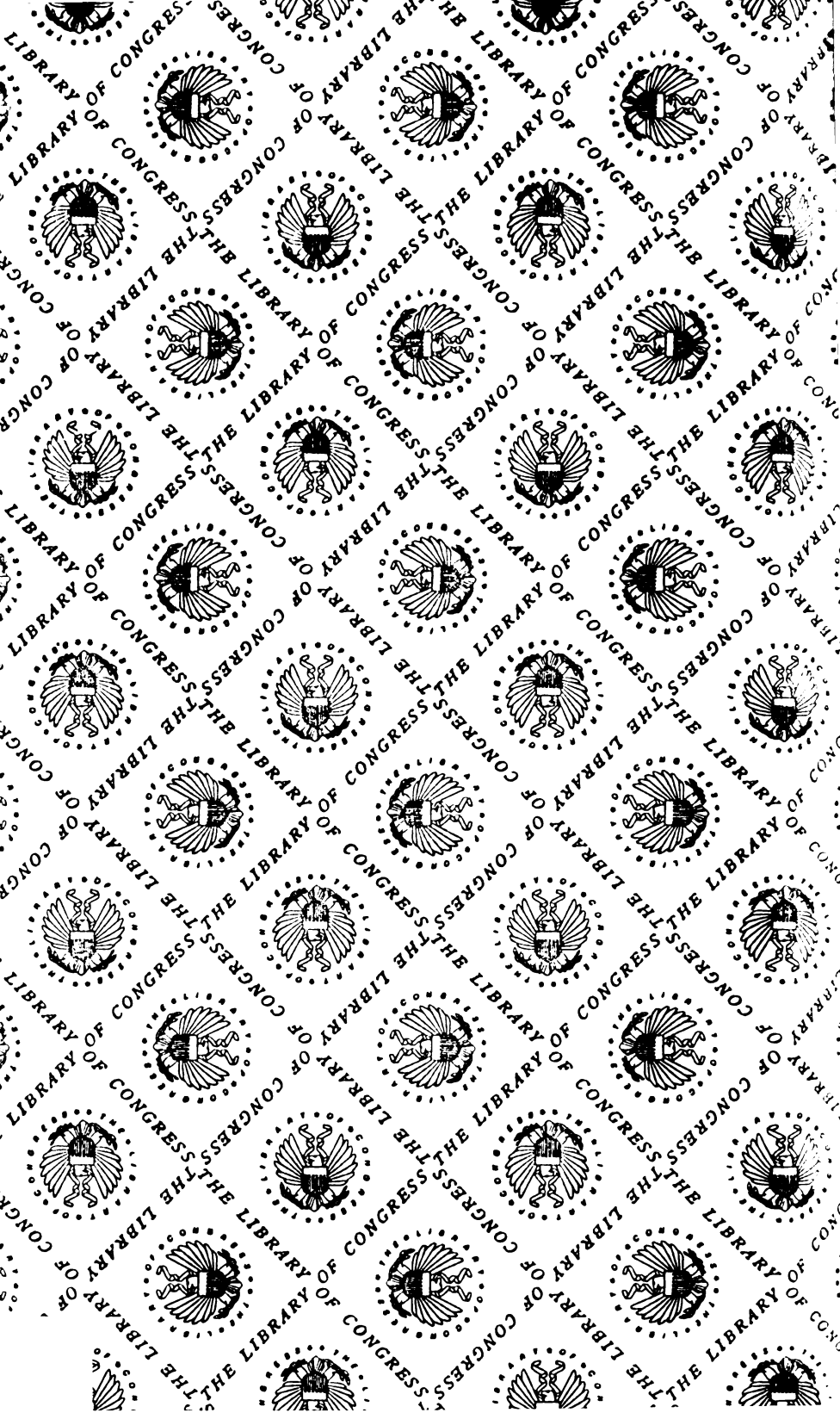
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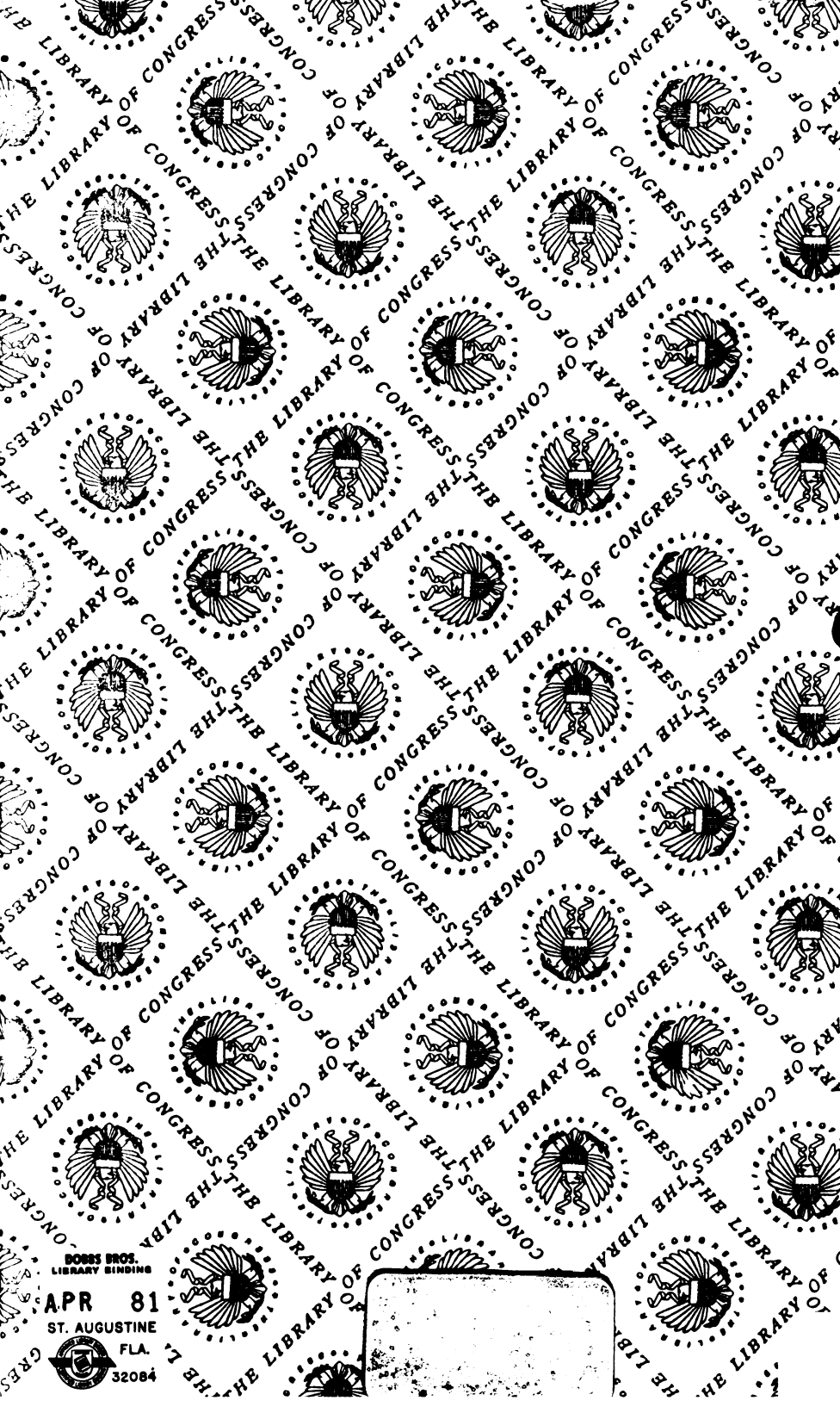
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